

FBI OVERSIGHT AND BUDGET AUTHORIZATION FOR FISCAL YEAR 1986

HEARING

BEFORE THE

SUBCOMMITTEE ON SECURITY AND TERRORISM

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

NINETY-NINTH CONGRESS

FIRST SESSION

ON

OVERSIGHT AND BUDGET AUTHORIZATION OF THE FBI, THE BUREAU'S
ACCOMPLISHMENTS DURING THE PAST YEAR, AND EVENTS THAT AF-
FECTED ITS OPERATIONS

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FBI OVERSIGHT AND BUDGET AUTHORIZATION FOR FISCAL YEAR 1986

WEDNESDAY, APRIL 3, 1985

U.S. SENATE,
SUBCOMMITTEE ON SECURITY AND TERRORISM,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:40 a.m., in room SD-226, Dirksen Senate Office Building, Hon. Jeremiah Denton (chairman of the subcommittee) presiding.

Present: Senators McConnell, Leahy, and DeConcini.

Staff present: Joel S. Lisker, chief counsel and staff director; Charles W. Sullivan, LEGIS fellow; and Fran Wermuth, chief clerk.

OPENING STATEMENT OF HON. JEREMIAH DENTON, A U.S. SENATOR FROM THE STATE OF ALABAMA

Senator DENTON. Good morning. The hearing will come to order.

The subcommittee on Security and Terrorism meets today to hold an open oversight and budget authorization hearing on the operation of the Federal Bureau of Investigation. A separate closed hearing on the classified portion of the FBI budget is scheduled for April 17.

I would like to extend a cordial welcome and good morning to my two distinguished colleagues. Senator Leahy from Vermont has served with me on this subcommittee ever since I came to this body, and I value his assistance. He is an ex-prosecutor himself. My friend on his left, the Senator from Arizona, Senator DeConcini, and I have worked together as cochairmen of several endeavors. I want to acknowledge his work in drug enforcement and as the co-chairman of the Drug Enforcement Caucus.

They are both a couple of frustrated cops, I think, and it is nice to work with men like that.

I would like to welcome Judge Webster with whom I have had a most cordial relationship.

Today, we will explore the Bureau's accomplishments during the past year and events that affected its operations. We will also examine its requirements for fiscal year 1986. The subcommittee desires to make certain that the Bureau has all the tools necessary to fulfill its responsibilities, including the areas of Federal crime, terrorism, and foreign counterintelligence.

Our purpose is to ensure that Bureau policies, governmental policies affecting the Bureau, and the amount and allocation of the Bu-

reau's proposed funding best serve the national security. We are concerned with the Bureau's strengths and with its vulnerabilities.

Judge Webster, the subcommittee would like to compliment you on the Bureau's successes during the past year. You have done a great deal to restore public confidence in our ability to combat organized crime and terrorism. I was particularly pleased to hear about the recent arrests and indictments in New York of five Mafia Commission members and their underbosses. I know how difficult it is to get evidence that can be used against criminals of that type. Also in New York, just last month, 7 people were charged with carrying out 10 terrorist bombings in the name of the United Freedom Front.

I am impressed with the Bureau's role in preventing the assassination of the President of Honduras and the overthrow of the Honduran Government. That, too, was no small accomplishment. In addition, there was the controlled double agent case where you worked with the Army to prevent classified documents from being passed to the East Germans. You caught Alice Michelson passing classified information to a double agent. The FBI caught a Northrop Corp. employee, Thomas Cavanagh, before he could pass "stealth" technology to the Soviets.

During 1984, the Bureau captured 5 fugitives who were on the "Top 10" list.

Judge Webster, you and your organization have had a very busy and successful year. I join everyone in commending you on a job well done.

During a news conference last December, you indicated that the number of terrorist incidents in the United States had declined dramatically, from 51 in 1982, to 31 in 1983, to just 13 in 1984. There is no doubt that at least a partial reason for that decline is the fact that your agents have arrested and thereby disrupted many people involved in United Freedom Front terrorist activity. During that same news conference, you stated that the decline was one of the things that pleased you most about 1984. I share in your delight, and I am sure we continue to share concerns about terrorist activity not only in the United States but elsewhere.

Even though it is gratifying to see that the number of terrorist incidents in our country have steadily diminished, I believe that you may agree with me that the violent nature of the acts that are committed has become greater. I strongly believe, therefore, that we must continue to take the initiative against those who seek to destroy our institutions and our society.

In that regard, I recently reintroduced three bills, all of which would enhance the security of our country. The first, S. 274, the Anti-Nuclear Terrorism Act of 1985, would require that fingerprints be taken of each individual who is to be allowed unescorted access to a nuclear power facility. All fingerprints would be forwarded to the FBI for a search in the criminal records of the identification division. Information in the FBI's criminal history files would be used to assist in screening prospective nuclear facility employees. I believe that FBI screening would greatly aid in preventing possible sabotage from within a nuclear powerplant.

The second bill, S. 275, the Antiterrorism Act of 1985, would create, define, and set forth penalties for the offense of terrorism.

It would also grant, under appropriate circumstances, primary investigative jurisdiction to the FBI. Surprising as it may seem, terrorism itself is not now a specifically defined offense in the United States.

The last bill, S. 276, would amend the Freedom of Information Act by providing an exemption for information related to the investigation of terrorism or with foreign counterintelligence operations. It would close the door on one means used by terrorists and foreign intelligence services to gain access to sensitive U.S. Government information. The legislation would also delete a current provision of the FOIA that requires the release of segregable portions of a record. As you know, that would prevent the piecing together of seemingly innocuous bits of information from many sources into one piece that could be of value to the intelligence service of a hostile government.

Judge Webster, I am sure that we share a concern about funding for law enforcement. Sometimes resources seem to pale in light of the problem. Even though I am concerned about sufficient funding, I am also mindful of the constant need to reassess and realign responsibilities. For example, transferring certain investigative responsibilities for escaped Federal prisoners from the FBI to the Marshals Service has allowed the Bureau to devote more time to its top priority areas. Later in the hearing, perhaps we can get into another area where a possible realignment might be in order. This relates to the pros and cons of assigning responsibility for the Unlawful Flight to Avoid Prosecution Program to the Marshals Service.

With that, the chairman welcomes Judge William Webster, Director of the Federal Bureau of Investigation. Judge Webster, please consider that we are your friends dedicated to doing everything possible to assist you and your organization in accomplishing a very vital mission.

Senator Leahy, would you care to make an opening statement?

**OPENING STATEMENT OF HON. PATRICK J. LEAHY, A U.S.
SENATOR FROM THE STATE OF VERMONT**

Senator LEAHY. Yes. Thank you, Mr. Chairman. I, too, welcome Judge Webster here and say that I look forward to another year of serving with our distinguished chairman. I have enjoyed that service with him in all these hearings with the exception of one, and that was the one where, after an all-night session, I had to grab the first flight to Los Angeles and go out with 2 days of no sleep. We conducted a hearing with the FBI and the Los Angeles police and others regarding Olympic security. I say that somewhat facetiously, of course. It was a good hearing, and Mr. Chairman, again, I commend you for the fact we had that hearing. Not only did it give the Judiciary Committee a lot of knowledge of what was going on, but I think it served another purpose.

I think it served the purpose of expressing—to what had to be one of the largest multijurisdictional operations that the FBI has been involved in, from the police to the sheriffs to everybody else in the Los Angeles area—the fact that we here in the U.S. Senate

do not come out wearing any kind of a partisan hat or label on something like that.

We are interested in just good law enforcement. The United States had a major interest in making sure that terrorism did not disrupt the Olympic games because of all that would portend with the number of countries there. I also think it gave us a chance, Mr. Chairman, for the two of us to express to the law enforcement agencies there and to the FBI the enormous respect that we have for your agency and for your direction of it.

I took heart in what I saw there. The chairman has said that Senator DeConcini and I are probably frustrated cops, and he is more right than he knows, but I look at the enormous improvements from just the years when I was involved in law enforcement and what you are able to do, and I have discussed this with you since then, but I want to compliment you again, publicly, for the kind of coordination that the Bureau brought together there, not just because of what it says for the Olympics but what it says for a whole lot of other things, and probably the one that is most on my mind, of course, is the area of drugs.

Again, I cannot help but think back to my own days as a prosecutor, and both Senator DeConcini and I served on a national drug task force of the National DA's Association at that time.

There is really no comparison between what there was 10 or 12 years ago and what happens today with the enormous amounts of drugs coming into this country. Drug problems come together with your fight against organized crime and the fight against terrorists who many times fund their activities with money from drug trafficking and then right down to Main Street, U.S.A., in our schools and every parent, every school, law enforcement officials, they worry about the survival really of an entire generation of young people.

And I do not think that that overstates the problems we have. Much of the fight against drugs and violent crime goes on at the State and local level, but the FBI can and has been over the years critical in setting very high goals in the fight against crime at every level. The war has been everyone's war, and I compliment you in the way you have led the FBI into that fight against drug trafficking.

Last year the Congress passed the most comprehensive crime legislation to come before it in a long time, and I hope it helps you, and I hope it helps the States update their laws, and as you use that new legislation, please keep us posted.

If there are areas of improvement or areas that work especially well, please let us know. The recent indictments of major organized crime leaders in New York came because of one thing, and that was relentless hard work.

We can give you the laws and we can give you tools, but it is the hard work of the people in the Bureau that make it possible. It is a symptom of the extent of the drug disease that despite effective prosecution, interdiction of tons of contraband, the amount of drugs ending up on our streets continues to climb, and it just means that it sets the agenda for all of us in the kind of work we have to do.

I am going to have a number of questions as we go on. I am also going to have to slip out of here for about 20 minutes for another hearing. Just so you know, Mr. Director, I am going to be asking questions about secure telephones and new generations of secure telephones and the effect that might have on the Bureau, wiretapping and data communications, the fact that so much of what we send now is no longer by voice communications but by data transmission.

On antiterrorism resources, I am concerned that OMB is not giving the Bureau enough to fund its terrorist account, and I realize some of this we are going to have to do in closed session, Mr. Chairman, but I must say, wearing my other hat as vice-chairman of the Intelligence Committee, I grow increasingly concerned about the terrorist threat to this country and to our allies, and we are going to want to make sure that you get the resources you need there.

We did not come here to hear me this morning. We came here to hear the Director, and I will yield at that point.

Senator DENTON. Well, you have had plenty of experience, Senator Leahy, and we are interested in both yours and Senator DeConcini's comments.

Senator DeConcini?

**OPENING STATEMENT OF HON. DENNIS DeCONCINI, A U.S.
SENATOR FROM THE STATE OF ARIZONA**

Senator DeCONCINI. Mr. Chairman, I am going to be brief and thank you for the introduction. I am pleased to serve on this committee with you and hear the Director's testimony this morning.

I, like other Senators, have someplace I have to be this morning. At 10 the Appropriations Committee's Treasury subcommittee, of which I am the ranking member, has scheduled a hearing on the Secret Service and BATF among others. So I will not be able to stay, Judge Webster.

I do have a couple of questions I will submit to you in writing, and I would appreciate your attention to them. I would like to know the involvement—if it is classified, we can do it on the April 17 closed hearing of your agency—with the bombings of the abortion clinics.

We have had some very good reports recently from the BATF of arrests on more than half of those bombings. I would like to know the participation, if any, of the FBI in those cases.

Second, I hope that you can give us some directions on framing legislation toward the laundering of illegal moneys or contraband moneys or suspected illegal moneys. It seems to me it is high time we have some tight laws that make it a crime to launder money, not just to fail to report certain transactions. My questions will be along those lines.

And thank you, Mr. Chairman, very much for your courtesies extended to me in this committee, and as usual, it is a pleasure to serve under your leadership.

Senator DENTON. Thank you very much, Senator DeConcini.
Judge Webster?

STATEMENT OF HON. WILLIAM H. WEBSTER, DIRECTOR,
FEDERAL BUREAU OF INVESTIGATION

Judge WEBSTER. Mr. Chairman, first I would like to thank you and the other members of the committee for your very warm words about the performance of the FBI and express, in turn, my thanks for the wise and constructive oversight relationship that you have had with us during the past year. It has been very, very helpful to us.

I am again pleased to appear before you at the annual authorization hearing regarding the Federal Bureau of Investigation to discuss the FBI's accomplishments last year and what will be required to meet our future needs and goals. We trust our performance has earned, and will continue to earn, your confidence and support.

In the past year, significant accomplishments have been achieved in the FBI's four national priority programs—organized crime, white-collar crime, foreign counterintelligence, and terrorism. As the chairman pointed out, for the third continuous year, terrorist incidents declined in the United States from 51 total incidents in 1982 to 13 in 1984, the lowest number since the FBI began keeping statistics in this area. In addition, we are pleased to report that no one was killed or injured as a result of terrorist activity in the United States. This statistic is in sharp contrast to the total of 13 killed and 30 injured in terrorist incidents in 1982 and 1983. To achieve these results, we have had, by necessity, to reallocate our resources and are currently utilizing 151 percent of the manpower designated for the Domestic Terrorism Program.

In the area of international terrorism, in 1984, no incidents were committed by groups or individuals who were foreign based and/or directed by groups or individuals whose activities transcend national boundaries. This was primarily due to our success in preventing terrorist incidents. For example, on May 9, 1984, Bashir Basheo and Mehdi Hitewesh, Libyan students, were arrested in Philadelphia, PA, after buying three handguns, equipped with silencers, from an FBI undercover agent. Basheo and Hitewesh were subsequently indicted for transporting unlicensed firearms and silencers. On August 10, 1984, they plead guilty to one count of the indictment in Brooklyn, NY, and were sentenced to 8 years and 7 years in prison, respectively, with \$10,000 fines.

Despite our accomplishments over this year, international terrorism poses a serious threat. Of continuing concern to us are the Armenian, Irish, Iranian, and Libyan terrorist groups.

In 1984, domestic terrorists accounted for all incidents in the United States, one-third having been attributed to the United Freedom Front.

On November 4, 1984, top-10 fugitive Raymond Luc Levasseur, his wife, Patricia Gros, and fugitives Richard Charles Williams, John Karl Laaman, and his wife, Barbara Curzi, were arrested near Cleveland, OH. I might add that Lavasseur had been on our "Ten Most Wanted List" since about 1977.

As a result of related searches, we recovered original United Freedom Front communiques; detailed surveillance notes of the bombing site of General Electric Corp. in New York City; six 9-mm handguns; automatic weapons; ammunition; blasting caps; United

Freedom Front logos; and pocket watches modified to be timing devices. These individuals have been linked to numerous bombings and bank robberies. The arrests undoubtedly prevented additional bombings planned by these individuals.

We regard the incident-free 1984 Olympic games at Los Angeles, to which Senator Leahy referred, the Republican and Democratic National Conventions, and the World's Fair in New Orleans as among our most impressive program successes. As the designated "lead" Federal agency in handling investigative and intelligence-related matters for these events, the FBI made a tremendous commitment of resources and demonstrated through close cooperation with local law enforcement and other Federal Government agencies that the terrorist threat could be contained. The development and deployment of our Hostage Rescue Team was an important element in the successful handling of these events.

We are continuing to develop ways to minimize future terrorist threats. The Terrorist Research and Analytical Center at FBI headquarters, established in 1980, analyzes and computerizes data on known terrorists and terrorist groups in the United States. This center consists of analysts and computer experts who review all terrorist-related information received by the FBI and make threat assessments, thereby enhancing our ability to prevent future incidents.

I might insert here, Mr. Chairman, that we are also achieving successes in focusing on crimes that produce large dollar amounts, such as bank robberies, that historically have been a financing tool of terrorist groups as one of the tracks by which we find our way back to the terrorists themselves.

Mr. Chairman, time does not permit me to discuss all of the Bureau's investigative accomplishments over the past year; however, I would like to highlight some of the more significant successes, some of which you have already made reference to in your very fine opening statement.

The FBI's Organized Crime Program continues to make a significant impact on the three areas we have designated priority investigative matters—traditional organized crime; nontraditional organized crime groups such as outlaw motorcycle groups; and narcotics. The recent indictment of the leaders of the five LCN families in New York City highlights our accomplishments. In fiscal year 1984, our investigations resulted in the conviction of 159 La Cosa Nostra members or associates, a 41-percent increase over fiscal year 1983. Overall the organized crime for fiscal year 1984 obtained 2,194 convictions, a 61-percent increase over fiscal year 1983. In addition, our organized crime investigations produced \$8,502,347 in fines; \$273,616,171 in recoveries; and I might add, although I never vouch for this figure, \$24,768,186 in potential economic loss prevented in fiscal year 1984.

As I noted in last year's hearing before this subcommittee, the FBI has made a major commitment to investigative nontraditional organized crime groups. We have obtained indictments or convictions against all the major outlaw motorcycle gangs, including the Hell's Angels, the Outlaws, the Pagans, and the Bandidos. We have also begun to focus on oriental organized crime groups. On December 27, 1984, for example, 27 members of the Chinese youth gang,

the Ghost Shadows, were indicted in the Eastern District of New York for murder, extortion, armed robbery, gambling, kidnaping, bribery, and conspiracy. These indictments were the result of a 2-year investigation conducted with the New York City Police Department.

Since January 1982, when we received concurrent investigative jurisdiction with the Drug Enforcement Administration on violations of the Controlled Substances Act, the title XXI series, we have focused on four narcotics-related investigative areas: traditional organized crime groups involved in narcotics; emerging non-traditional organized crime groups involved in drugs; financiers or money launderers; and public corruption in narcotics operations. This investigative strategy, in conjunction with the evolving cooperative effort of DEA and local law enforcement agencies has produced 1,570 narcotics convictions in fiscal year 1984, a 115-percent increase over fiscal year 1983. These are important, real successes, but we know acutely that there is much more to be done.

The White-Collar Crime Program has three major investigative priorities: Government fraud; public corruption; and financial crimes. In fiscal year 1984, 4,449 persons were convicted or entered pretrial diversion programs as a result of this program. In fiscal year 1984, fines and recoveries totaled more than \$463 million, an increase of 30 percent over 1983.

Our most far-reaching public corruption investigation, code-named "Corcom," has, as of February 19, 1985, resulted in the convictions of 223 individuals, many of whom were Oklahoma county commissioners who accepted kickbacks from vendors who were doing business in that State. As a result of this case, the State of Oklahoma reformed the commissioner-type of government and centralized its system for the purchase of materials and equipment. The savings realized by the citizens of Oklahoma, as a result of this investigation, are inestimable.

Mr. Chairman, as you mentioned in your opening remarks, the FBI has had some notable accomplishments in the area of foreign counterintelligence in the past year. The specifics concerning our efforts in this area must, by necessity, be discussed when the subcommittee meets in closed session in 2 weeks. Our responsibility in this area is to identify foreign intelligence officers operating in the United States and then neutralize their efforts. The presence in the United States of nearly 4,300 officials from the Soviet Union, Soviet bloc countries, Cuba, and the People's Republic of China, and the visits of tens of thousands of tourists, commercial representatives, and students from these countries makes the FBI's mission a difficult one. I would like to say, however, that I believe we are succeeding at a difficult assignment and that our publicized successes are only a small part of the overall picture.

The FBI's General Crimes Program encompasses the Federal Government's initiatives to augment local law enforcement efforts to combat "street crime." Our efforts involved investigations in two major areas—personal crimes, such as bank robbery, extortion, kidnaping, assaults on Federal officials, and tampering with consumer products; and property crimes involving an interstate element in the theft and/or transportation of valuable property, such as motor vehicles, jewelry, artwork. These crimes have a staggering emotion-

al and monetary effect. For example, there are approximately 1 million vehicles reported stolen annually to the FBI's National Crime Information Center with a corresponding loss value exceeding \$3 billion.

There are many examples of successes in this program. In July 1984, the wife of a wealthy retired pharmaceutical executive was kidnapped in Washington, DC, during an international bridge tournament. FBI agents later rescued the woman, arrested her three abductors and recovered \$1 million in ransom. In February 1984, an individual was arrested by FBI agents and later sentenced for trying to extort a Colorado grocery store. The subject threatened to contaminate food items with cyanide unless paid \$500,000.

Our investigation of fugitive matters is directed toward assisting local law enforcement agencies and the DEA in the apprehension of individuals wanted for violent crimes such as murder, rape, robbery, aggravated assault, major theft, or narcotics trafficking. During fiscal year 1984, 1,226 unlawful flight fugitives were arrested or located, and since 1981, 308 DEA fugitives have been arrested or located.

For fiscal year 1986, we are requesting \$1,185,664,000 in direct funding and 21,408 permanent positions. This represents an increase of \$38,541,000 and 519 positions over the 1985 appropriation. We require 148 permanent positions to provide for the FBI's expanded responsibilities resulting from the enactment of the Comprehensive Crime Control Act of 1984. The remaining number of permanent positions requested will be utilized to support our priority investigative programs. We believe that these additional positions will increase our effectiveness.

Mr. Chairman, I have tried to suggest the FBI is doing the important work that this subcommittee, the Congress, and the American people expect of us. We look forward to your continued support, and I would be happy now to respond to any questions that you or members of the subcommittee may have.

Senator DENTON. Thank you, Judge Webster.

Of the specific terrorist groups mentioned by you, you began with Armenian, Irish, Iranian, and Libyan as those of international origin. I direct your attention to the Justice Commandos of the Armenian Genocide, JCAG, and the Armenian Secret Army for the Liberation of Armenia, ASALA. The avowed aim of these groups is to terrorize Turkish officials but, in effect, they have terrorized Americans of Turkish descent and Americans in general.

Considering ASALA'S involvement in the recent shooting of a guard at the Ottawa Embassy and their involvement in other terrorist activity in Toronto, I would like to know if, in your opinion, these groups pose a significant threat and, second, are you aware of any recent terrorist acts in this country by members of these groups?

Judge WEBSTER. Mr. Chairman, I do consider these groups, one a rightwing group, and one a leftwing group, as you pointed out, to be a significant threat in this country. They operate on an international basis. As you point out, their goals are not directed at achieving any political gain but at retribution for a tragic incident in 1915.

That is a strongly held emotional point of view, one that continues to attract a small number of followers in various countries, particularly the United States, Canada, and France.

We have been successful in penetrating these organizations, in getting information that permitted us to interdict specific terrorist events such as the planted bomb in the Canadian air terminal in Los Angeles, which we interdicted 20 minutes before the bomb was set to discharge, and that attempted assassination of the honorary consul of Philadelphia by interdicting the terrorists as they arrived on the east coast with their explosives.

We will continue to follow and track closely all those who are suspected of involvement in these organizations. We have been fortunate in the past 2 years in that there have been no Armenian terrorist incidents during the past 2 years due largely to our ability to indict and neutralize their efforts.

We are not relaxing our vigilance in this area. It will be an ongoing problem as long as the movement exists worldwide.

Senator DENTON. Would you comment on other radical rightwing groups such as Posse Comitatus, the Silent Brotherhood, and Aryan Nations? I am aware that their membership is small, but would like you to assess the significance of the threat they pose.

Judge WEBSTER. I will be glad to comment in general terms on this, Mr. Chairman. Some of these matters are under heavy investigation and more direct and specific answers can be given in the closed session 2 weeks from now.

The rightwing terrorist groups have demonstrated a substantial propensity for violence, whether it is because of their basic philosophical distrust and hostility toward government and any form of government regulation including the payment of taxes, or whether it flows from deep-seated racial bias and hatred, all of which generate a certain kind of violence. We find that present in the whole makeup of these organizations, speaking in general terms.

The Aryan Nations organization is just that. It is based upon racial and religious bias and hatred, and within that organization, a smaller, more tightly held group, called the Order, has engaged in "hit" activities and has been planning for other hit activities which we have thus far prevented taking place.

The massing of enormous amounts of ammunition, weapons, hand grenades, much of which has been seized in the course of our investigations and ongoing prosecutions, demonstrates the propensity for violence.

The numbers of cases of actual use of these weapons is relatively small. There is, of course, the assassination of the radio announcer/commentator in Denver. There are some other instances of violence within their own organization. The bombing of a Jewish synagogue.

But compared with that they have accumulated, the numbers of activities are small compared to what they might have been had these investigations not identified their activities. To this, I might add, that these groups have been responsible for a significant number of major bank robberies and armored car robberies which have resulted in the robbery of millions of dollars and have given them the ability, then, the financial ability to finance acquisitions of armament and weapons.

We have dealt with these organizations just as we have dealt with organizations on the left. We cannot tolerate violence and lawlessness on anybody's political grounds. These are clear criminal violations and we pursue them vigorously.

I think that many of these have had connections with other organizations including some background affiliation with Klan groups, but I personally regard them as more dangerous and more significant than the old Klan groups from which they emanated.

Senator DENTON. Is it true that the Aryan Nations has had success in recruiting in U.S. prisons? If so, what is being done to counter that effort and which prisons are we talking about?

Judge WEBSTER. Well, there has been some flow toward these groups of persons with prior criminal backgrounds, that is, with a history of violence, felony convictions, and so forth. I am sure that some of their awareness of the Aryan Nations has come during the time they are in prison or afterward.

These particular individuals, such as the ones that were recently arrested and will be standing trial, are the ones who move into the tough or violent action aspect of their movement.

But I think there is a tendency to confuse the Aryan Nations with the Aryan Brotherhood, which does stem from the prisons and is less concerned with political violence than they are with engaging in criminal activity akin to the activities that the outlaw motorcycle gangs engage in.

As far as location is concerned, I hesitate to paint a geographic map of these activities, but the far right groups, such as the Aryan Nations, Posse Comitatus, and so forth, tend to go to the hills. They go to sparsely populated parts of the United States, Idaho for instance, which is just suggestive not so much of clandestine activity but getting out from under places where law and order are clearly in evidence.

Senator DENTON. You mentioned that the Aryan Nations is perhaps more dangerous than the Ku Klux Klan. I read that the Klan is becoming weaker, more isolated, and fragmented. However, a November 1984 article pointed out that some Klan members, frustrated because of this, are considering resorting to terrorist acts and assassinations. Are there any grounds for that allegation?

Judge WEBSTER. Well, any kind of allegations coming from groups with the background that we know the Klan groups have had warrants a very careful and searching look, but I think for some time the Klan has been fragmented. The individual Klaverns perform in various ways.

We went through a period a few years ago when various Klan groups were adopting a civil rights approach and were exercising their right of assembly and free speech, and so on, and were following very closely the track record of the civil rights movement, were inviting the Attorney General to come down and watch their paramilitary training, and so on.

I would think it is more likely that those who are disenchanted with the level, the minimal level of violent activity that exists today in the Klan movement would move on to other organizations rather than try to stimulate the Klans themselves.

Senator DENTON. Have the revisions incorporated in the Smith guidelines been instrumental in assisting your investigation of the

Aryan Nation groups or in the apprehension of Raymond Levasseur and his associates? That question was submitted by Senator East.

Judge WEBSTER. I believe that the Smith guidelines have made us substantially more comfortable in carrying on intelligence activities directed against organizations which we have reason to believe are planning to engage in acts of violence.

As I pointed out in previous hearings, at the time these guidelines were under consideration, we have been hampered somewhat by a felt necessity to open and close quickly investigations, or to close them out if nothing happened within a short period of time.

This gives us a low monitoring capability for those that we have reason to believe will surface again just as, for instance, the FALN periodically comes in and out and with a bang when it does, and for those, such as some of the organizations we have already been talking about, it permits us to focus our intelligence effort on the overall organization, its goals, objectives, methods and techniques rather than to depend upon particular individuals who are known to be engaging in violence.

So I think the best answer I can give is that it has made us substantially more comfortable in carrying out our responsibilities in this area.

Senator DENTON. Are you sensing an upsurge in rightwing violence or do you anticipate such an upsurge? If so, to what is it attributed?

Judge WEBSTER. I am not sure that I can give you a really informed answer there. I think that we have had these rightwing groups for some time in various ways reflective of particular attitudes. This is a big country and we have a lot of attitudes and points of view in this country, and we can accommodate all kinds of attitudes and points of view until a group turns to violence and offends our laws and our Constitution.

Some of these groups appear to have crossed the line. Whether that is for economic reasons, whether it is because the particular economic strata in which they may fall is going through some difficult periods of time, it is hard for me to say, but we do know that a small number—I would not want to say that the conservatives or anybody else have suddenly turned violent—a very small number of people this side of the political spectrum have turned, in frustration, to violence.

It does not surprise me. This is often a response of a group that those who are trying to achieve their own political objectives, that their leaders are not achieving them rapidly enough, and they become impatient and they turn to violence.

Senator DENTON. I want to welcome my friend and colleague from Kentucky, a new member of this subcommittee and a very welcome one, Senator Mitch McConnell. Do you care to make any comments at this point, Senator?

Senator McCONNELL. No, Senator Denton. I am glad to be here. I am glad to see Judge Webster.

Judge WEBSTER. Thank you, Senator.

Mr. Chairman, if I could add one sentence to what I was just saying, I think it is also a general pattern that as these smaller groups turn to violence, they scare away the less violent people,

and so the level of violence often equates to the size of the group. It is getting smaller and more desperate and more violent.

This is true worldwide, Bader Meinhof and some of the other terrorist groups have gone through the same experience in other parts of the world.

Senator DENTON. I just returned from Selma, AL, where there was an event which was evidence of greatly improved racial relations. The occasion was the commemoration of the burial of Congressman Benjamin Sterling Turner, the first black Congressman from the Selma area. He happened to be a Republican. He was not a carpetbagger.

Congressman Turner beat four carpetbaggers and was truly representative of both blacks and whites. He had been a slave who endured mistreatment. He joined the Union Army when they came through and burned Selma. In the process of burning the city, the Union Army also stole all his horses and mules. He had built up a livery stable business, biding his time, as they called it in those days. After the war, he came back to Selma where he was elected to city offices by both whites and blacks. Later, he was elected to the U.S. Congress where he introduced a bill to grant amnesty to Confederate officers.

It was a very touching ceremony. Congressman Turner's family is the only one buried in that still all-white cemetery. It was to me symbolic of the significant events which have taken place in Selma. I believe that old attitudes are changing, much to the advantage of this Nation. If there are odd malcontents who want to show frustration, those exceptions belie the rule.

What is the status of actions against the four activists who were subpoenaed to appear before a Federal grand jury investigating the November 7, 1983, bombing of the U.S. Capitol and the bombings of other Federal buildings? These individuals are all present or former members of the John Brown Anti-Klan Committee.

Judge WEBSTER. Yes, Mr. Chairman. They have declined to provide testimony, and they have been held in civil contempt of the grand jury by the U.S. District Judge Aubrey Robinson. They are presently incarcerated in the Federal Correctional Institution at Lexington and Lewisburg, PA, for the duration of the grand jury investigation or until such time as they provide testimony as ordered by the court.

Perhaps this should be for the closed session, but there are significant linkups between the May 19th organization, the Armed Forces Resistance Unit, and the United Freedom Front. I am very optimistic that the progress we have made with the group known as United Freedom Front will reflect itself in diminished activity by the group that claims credit for the Capitol bombing.

Senator DENTON. On March 12 of this year, seven people were charged in New York with carrying out 10 terrorist bombings in the name of the United Freedom Front. That organization has been linked to the November 1983 bombing of the Capitol. Could you give us an update on the status of that case?

Judge WEBSTER. I believe that not very much has happened since March 12 on that case, but those are the individuals to whom the chairman made reference in his opening remarks. I think this will

prove to be one of the really outstanding investigations of the FBI during 1984 and, perhaps, even in this decade.

We have been troubled for some time about the bombings on the east coast. They followed a pattern. As you know, in previous testimony I have said that I really thought that we might be dealing with *noms de guerre* here, that the same people would be involved in the various names that were utilized.

We had not solved them. The types of bombings were such that it was difficult to anticipate where one would go, impossible, really, to penetrate these small cellular groups, at least at that time, and they were accounting for, in 1983, two-thirds of the terrorist incidents in the United States, in 1984, seven out of the eight in the continent of the United States.

We really worked hard to pull all our intelligence together in that effort. It kept pointing toward a specific bank robbery investigation, known as BOSLUC, which we tied into Levasseur, and then through an investigative process that I think we cannot yet fully disclose, but which utilized just about every major investigative technique that we have, we were able to track them down.

These fugitive terrorists are extremely sly. They are very careful about their cover, their contacts with the outside world, and it took a tremendous amount of effort to break through that insulation that they had developed through years of experience, but we did so, and I think that this arrest and the indictment, the charges that have been made, will help us materially in reporting our statistics to you next year.

Senator DENTON. Senator McConnell?

**OPENING STATEMENT OF HON. MITCH McCONNELL, A U.S.
SENATOR FROM THE STATE OF KENTUCKY**

Senator McCONNELL. Thank you, Mr. Chairman.

I just wanted to commend Judge Webster. One of the first things I learned as a member of the Intelligence Committee was of the outstanding cooperation between the FBI, the CIA, and others with reference to the Olympics in Los Angeles.

Judge WEBSTER. Thank you.

Senator McCONNELL. Apparently, there was a timely exchange of information, useful analysis, and a variety of different things that indicated that we were totally prepared for that American extravaganza, and I want to commend you for your part in that. It was truly a success story.

You indicated in your statement, and I was not here to hear it, but it has been shown to me by staff, that you were using 150 percent of manpower allocated to terrorism. If that is true, why are you not asking for more resources, if you are not?

Judge WEBSTER. Well, we are living in the ambiance of a major effort to control the deficit, Senator.

Senator McCONNELL. So you are being a good trooper?

Judge WEBSTER. Well, yes, but I think I can safely say what I said years ago when we were really short on dollars in this area and were undermanned and our capability was substantially diminished from what it is today. But when we need it, we will find it

somewhere within our budget. There will be no shortchanging of the terrorist investigations.

Senator McCONNELL. With regard to nuclear terrorism, if you can answer this, who does the FBI coordinate with, and how and what would be your assessment of the likelihood of access to nuclear materials by terrorists?

Judge WEBSTER. Some of this can better wait for the closed session in which more specific answers can be given consistent with national security interests. The Nuclear Regulatory Agency is our chief partner in detecting the presence of nuclear activity. We coordinate with the Department of Defense, with CIA, and a number of other agencies in terms of any type of nuclear training activity or preparation of any actual event.

We have established procedures for dealing with crisis situations which include the White House, the Department of Justice, and the FBI, as lead Federal Agencies under an executive order, for dealing with major terrorist events.

Senator McCONNELL. Thank you, Mr. Chairman.

Judge WEBSTER. As far as access to nuclear materials, I think that question had better wait for the closed session.

Senator McCONNELL. I understand.

Judge WEBSTER. There has historically only been one instance of a bona fide nuclear threat in this country and it was not that much of a threat, but three barrels of low enriched uranium were stolen a few years ago from a General Electric plant in, I believe, it was Delaware or North Carolina. I think those names are right, and the FBI was able to recover those three barrels and apprehend the person. He was not, incidentally, trying to extort under threat of explosion but extort under threat of exposure to the Senate and the House that General Electric was not taking proper care of its nuclear materials, and he wanted \$100,000 for that.

But that has been the only bona fide nuclear threat that we had in many years, although we treat every nuclear threat as bona fide until we are able to prove it is not.

Senator DENTON. Judge Webster, there is a new collaboration between terrorists and drug traffickers which represents a significant increase in the availability of funds for arms and operations. Originally, the relationship between the two was one of extortion by the terrorists of the traffickers. Now there has been a wedding of convenience. The significance of this wedding, the trend that it represents, the force that it represents in international affairs, and the threat that it represents to U.S. interests, is still a very vague concept in the minds of our policymakers.

The wedding between drugs and terrorists represents a new force and trend in nations very close to the United States. Some are involved in drug trafficking to the United States and inhibiting or hurting our interests in Central America.

I would like you to tell us about the Organized Crime and Drug Enforcement Task Force. Please correct me if I am wrong, but I believe the members are DEA, FBI, Customs, and the Coast Guard. The CIA and NSA are not involved.

We are going to have joint hearings with the Judiciary and Foreign Relations Committees soon on International Terrorism and the Drug Trade. We need these hearings because neither commit-

tee, I can assure you, knows the extent to which these weddings have been hurting our interests. I would like your comments on the OCDETF and any improvements that might be made to improve our capability to defend against this new threat.

Judge WEBSTER. I will first try to respond to the question about the Organized Crime Drug Enforcement Task Forces. I think that they are, in the main, working very well. They resulted in substantial additional resources being brought to bear on the problem, a higher level of coordination between State and local law enforcement, key Federal agencies, and the Federal prosecutors.

The purpose and the mission of these task forces is to break up the apparatus of drug trafficking in the United States with particular emphasis upon criminal enterprises, whether we are talking about organized crime groups such as the ones recently indicted in New York or the fairly recently identified and prosecuted Sicilian group, sometimes called the Badalamenti group, sometimes called Catalano, Castronova, Ganci, more popularly known as the pizza group of great significance, or whether we are talking drug cartels or major efforts by nontraditional motorcycle gangs.

This effort, I believe, has been very productive and should be continued. It is the key, I think, to dealing with the law enforcement side of the drug problem in the United States. It does not answer the demand side, of course, but it is, I think, perhaps the greater of the problems between that and interdiction of drugs coming into the country.

The broader question of the interrelationship between terrorists, and terrorists and drug traffickers fits in here somewhere, although I am not sure that I can answer the question precisely in terms of the way in which you framed it.

Senator DENTON. It would be a miracle if you could.

Judge WEBSTER. Well, I want to try. I do not believe we have had any weddings yet, but we have had some meaningful relationships.

Senator DENTON. DEA referred to them as weddings. To give you an example, it was estimated that there was \$3.1 to \$4 billion taken during one drug seizure in Colombia. In that seizure, we know that \$100 million was for one of four Marxist insurgent groups in Colombia. That represents a tremendous acceleration of the events, in which you and I have been involved, where we have watched Cuba act as an expeditor of drug traffic from Colombia to the United States with some payoff in terms of arms to those insurgent groups in Colombia.

Terrorists in their own country can get more money than the United States is even considering giving to the whole hemisphere, and that is absurd. We quibble about \$100 million worth of aid to a whole nation when a drug-related terrorist group, one of four in one heist that we happen to know about, would get \$100 million. That means they can get more weapons than they can get hands to stick them in. These are people that are after governments. I know of an individual who works for an Atlanta TV station who is looking into the disintegration of the society and Government of Colombia as a result of drugs. This is going on and the United States is not yet fully aware of it.

Judge WEBSTER. Well, whether we call it a wedding or a meaningful relationship or some other semantical term, it is very clear

that these relationships are taking place. I think that, at least insofar as our own intelligence and very hard objective look at it can tell us, the relationships are of convenience and profit. Narcotics must now be recognized in the world as a medium of exchange.

Senator DENTON. I now understand the nuance you placed on the relationship. I agree with you.

Judge WEBSTER. Yes.

And a very lucrative medium of exchange. For example, you made reference to the FBI's interdiction of a plot to assassinate the President of Honduras and overthrow the Government of Honduras. In the course of that conspiracy, the conspirators brought into this country 745 kilograms of cocaine for the purpose of financing that overthrow. That had a wholesale value of \$10.3 million. It was easier to bring 745 kilos of cocaine into the country than it would have been to try to bring in \$10.3 million in foreign currency.

Plus the conspirators did not have \$10.3 in foreign currency, but they were able to access 745 kilos of cocaine, which suggests very clearly, I think, that drug trafficking now ranks with bank robberies and other quick methods of raising substantial amounts of dollars for purposes of financing illegal activities, specifically terrorist activity in this country and elsewhere in the world.

So we have to keep on looking closely, and I want to get to what I think your question really suggested, what are we doing about it. The Attorney General will be visiting the EPIC Center in El Paso, TX, very shortly. A number of us have made suggestions. I do not want to preempt the Attorney General's ultimate decision on this on the role of the NNBIS interdiction project under the direction of the Vice President and its possible relationship to the EPIC Center as a centralized vehicle for gathering worldwide intelligence on and, in particular, intelligence in the Caribbean on the use of narcotics and the flow of narcotics into this country, and with the the additional capability of recognizing connections between terrorist groups and traditional drug traffickers.

The role of the intelligence community in this effort is a very sensitive one and one which, I think, should be deferred to the closed session, but in recent times, both the intelligence community and, with the amendment of the Posse Comitatus Act which you helped to achieve, we are getting intelligence that is useful in both the area of drug trafficking and in the identification of terrorist connections to drug trafficking.

Senator DENTON. Senator Leahy, we are discussing a question which you have heard raised before and in which you have expressed an interest. This is the relationship between terrorists and drug traffickers. From your vantage point on the Intelligence Committee, I know you will be very valuable in helping us with the joint hearings with Foreign Relations and Judiciary regarding not only the problem with the relationship between terrorists in this country and drug trafficking, but more specifically, the role which drug trafficking related to terrorism is playing in, say, Central America. We do not even have a conceptual handle on it yet. I will be relying on your input, Senator Leahy, as well as on input from every other member of this subcommittee. I hope that Mr. Lisker, Judge Webster's people, and the other agencies involved will work together in preparation for these joint hearings. I consider that we

are addressing the issue almost as a virgin subject in terms of evaluating what it represents as a threat and coming up with the best conceivable approach to setting up an organization to deal with it.

I will yield to you, Senator Leahy, for questions.

Senator LEAHY. Thank you, Mr. Chairman. Again, I apologize for being out for a few minutes, and I agree with the chairman on the importance of the joint hearings coming up and I do look forward to them.

I think it is safe to say there are going to be a couple aspects of those that are going to have to be held behind closed doors, and I would strongly recommend when that time comes we use those new facilities we have over at the Hart Building.

Judge Webster, on February 26 of this year, the grand jury returned the indictment for racketeering against the heads of the five Mafia families operating in New York City. I, for one, was delighted to see that. I think all Americans were. It was a spectacular indictment, and you and the Justice Department should be quite proud of it. I am aware of a lot of the work that went into it.

I want to ask, and if this is a question you do not want to answer in open session, please say so, and I withdraw it to another time, but I want to ask you whether, in making this case, you utilized any title III court-ordered wiretaps.

Judge WEBSTER. We utilized substantial numbers of title III court-ordered wiretaps in that case.

Senator LEAHY. And for the record—I know your answer, but for the record—would you say that title III is an essential tool to the kind of law enforcement that you are called upon to perform?

Judge WEBSTER. I can certainly say that for the record. I consider it an absolutely indispensable tool. Those in criminal enterprises know that they can be physically surveilled and that they are physically surveilled. They must, to be effective, communicate with each other.

For instance, those national commissions had very rare meetings over the last several years, because they remember the Appalachian case as you do. So the number of times when they actually sat down were very few and very clandestine, and we do not know that we know all of them, but they were very few.

So they had to communicate, and if they could not use couriers, they would have to use the telephone, and both the telephone and microphonic surveillance with the court orders on a probable cause showing beforehand have given us extraordinary insights into the operations of organized crime, and these tapes will be a vital part of the evidence itself, not just leads but evidence of criminality taking place on the telephone.

Senator LEAHY. I agree with you about the importance of it, and because of that I started looking at another development that we are involved in. You are familiar with the interagency task force studying the feasibility of the mass production of secure telephones?

Judge WEBSTER. Yes, I am.

Senator LEAHY. Is the FBI serving on that task force?

Judge WEBSTER. I believe that we are and, certainly, we would be involved in it because our technology, at least our assessment of

available technology is, I think, out in front of anybody else at the present time.

We recently put digital voice privacy into key locations throughout the United States. We have the country's largest automobile fleet, combined with DEA, in which the ability to have secure communications has been absolutely vital to us.

We reached a stage where, before you gave us the additional funds to do this, we were confronted with newspaper reporters present at the scene in kidnaping, skyjacking cases. Organized crime members were purchasing these "Bearcat" scanners to keep track of our activities, and we were not able to communicate in the way that we needed to do.

Senator LEAHY. I remember one kidnaping case you actually ran into a problem in making the arrest and springing the trap, because you had so many of the press who had picked up on monitors arriving there almost ahead of the kidnapers and the FBI.

Judge WEBSTER. Unfortunately, that happened a number of times. In addition to this aspect, well, we call that voice privacy because it is not secure in the sense that a computer could penetrate it, given enough time, but it is a tactical device, and when we are through, it will take somebody long enough to penetrate the system that it would not do them any good once they finish. But we need, in addition to that, secure means of communication that cannot be penetrated under any circumstance, and we have that in key locations and for key persons.

Senator LEAHY. The NSA, in talking about this new equipment that they hope to have in the next few years, the relatively inexpensive telephone, I think about \$2,000, the Deputy Director for Communications Security for NSA, Walter Deeley, was asked whether the widespread availability of these telephones might ultimately allow criminal organizations to operate without fear of law enforcement wiretaps, and he replied, "Well, that is a price we will have to pay."

I am not sure I want to pay that price. I mean, is that not a rather steep price?

Judge WEBSTER. Well, I do not know whether that is a fair way to equate this problem with the availability of bulletproof vests, which comes up from time to time in consideration for legislation, other types of armor-piercing ammunition. Whether or not these areas lend themselves to legislation or not—that is a major policy question.

I am sure that businesses have legitimate interests in maintaining secure communications and keeping their things secure. There is an awful lot of this sort of illegal overhearing going on in the private sector, and I do not know the answer to the question, frankly, to what extent you can legislate against it, but I would certainly hope that we would have a vehicle for monitoring, at least, the sale of this type of equipment in the future if it becomes shelf material and available.

Senator LEAHY. Or licensing at least.

Mr. Chairman, I have a series of questions on this which I will submit to Judge Webster because of the technical nature of them, and some of them may be matters that are best answered in the classified part of his response.

I would suggest that this is an area where Congress may well want to work very closely with the FBI. Senator McConnell is here, who serves on the Intelligence Committee. He knows that we are looking at one aspect of that.

I do not think any one of us questions the fact that we have to be able to provide our law enforcement or our military operations or a number of others, CIA and so on, with secure communications. But we also somewhere have to balance in the fact that one of the most effective law enforcement tools has been the court-ordered wiretap, and I do not want to see that cut out.

There is no way that you can place one of the FBI agents at some of these meetings. The societies are so closed that there is no way that you can get an undercover agent in there. You can only do it electronically.

So I would suggest—I will not go into it further here other than to submit the questions—but I would suggest that it is an area that we want to work very closely with NSA, with the FBI, with a number of others to make sure we balance all our national needs, and within those national needs is the fight against organized crime, and I will wait for the next round for some questions on other subjects.

Senator DENTON. Thank you, Senator Leahy.

I did not properly introduce Senator McConnell. He is an especially valuable member who recently reported aboard this subcommittee. We are delighted to have him. Senator McConnell not only serves on the Intelligence Committee, but he used to be a member of the judiciary staff who had congressional liaison responsibilities with the Department of Justice. In his own State of Kentucky, he had an illustrious career in law enforcement matters. In particular, he established a system for reporting on missing and exploited children which I think in some respects could be applied nationally.

Senator McConnell.

Senator McCONNELL. Thank you very much, Mr. Chairman.

In approximately February 1983, Judge Webster, there was a national conference in northern Kentucky with regard to exploited and missing children. It was while this conference was in session that you issued a directive, the details of which I do not recall at the moment, which would essentially get the FBI's attention in the field of exploited and missing children.

As you know, we had some frustration prior to that in terms of the interest of your agency in missing children cases. I must say that since that directive in February of 1983, I have heard virtually no complaints from the network of those involved in the missing children crusade about ambivalence on the part of your agency.

So I think that directive did get their attention, and I want to commend you for that. It seems to me that we have made a lot of progress in the last few years, not only with the passage of the Missing Children's Act of 1982 and the Missing Children's Assistance Act of 1984, but also in terms of the attitude of your agents out in the field with regard to whether or not these cases are significant enough to warrant their time and attention. So I commend you for that.

The staff of the subcommittee has put together a number of different questions in the field of child pornography and missing chil-

dren. Some of them I would like to ask, and the rest of them I suppose we could submit to you for responses in writing.

Judge WEBSTER. I would be happy to do that.

Senator McCONNELL. In the area of missing children, with specific reference to parental kidnaping, I am told that on May 25, 1983, Deputy Assistant Director Wayne Gilbert testified before the Juvenile Justice Subcommittee on the question of parental kidnaping in general and implementation of the Parental Kidnaping Prevention Act of 1980 in specific.

If you know, could you describe at this time, or for the record if you do not know, how the FBI typically becomes involved in parental kidnaping cases. Would you also update the statistics and testimony, and I doubt if you have this with you at the moment, on parental kidnaping complaints from the period May 25, 1983, to the present, which would give us an idea of how many of these complaints we are getting these days?

Judge WEBSTER. I can try to do that within the available records that I have. As you know, Senator McConnell, the Lindbergh kidnaping law specifically exempted parental activity from its provisions so that while the FBI had the jurisdiction to investigate kidnapings which were interstate in character, we did not, by reason of that statute, have authority to investigate cases in which one parent had abducted a child.

This ultimately resulted in the additional Parental Kidnaping Act which is actually an amendment to authorize us to undertake cases under the unlawful flight to avoid prosecution statute. It was an amendment to that act.

So we have established, as you pointed out, a policy of investigating all parental kidnaping matters if the requirements of the Unlawful Flight to Avoid Prosecution Act have been met.

What this means is that there must be a local or State felony warrant that comes out of such an abduction, and that depends upon State law, of course, as to whether or not that conduct is or is not a felony.

Senator McCONNELL. I might interrupt you. Kentucky was one of six States, prior to last summer when we passed our new bill which was written by my task force, that made noncustodial parental kidnaping only a misdemeanor which made extradition extremely difficult.

That is no longer the case in our State at least, and I assume the balance of the States are remedying that problem forthwith.

Judge WEBSTER. Yes, I think the trend is clear and virtually uniform. There must be probable cause shown to indicate that the abducting parent has fled the State, because that is inherent in the unlawful flight to avoid prosecution statute, and the local authorities have requested FBI assistance to locate and apprehend the abducting parent, and have agreed to extradite and prosecute the abducting parent when we are successful in apprehending them, so that we are not merely a collection agency but a law enforcement coordinating group to assist State and local prosecutors to carry out an intended prosecution. That is all part of the unlawful flight to avoid prosecution statute.

We do consider it to be a priority investigative matter in the FBI and it will receive priority investigative attention whenever it is

called to our attention. We open a file immediately and then seek to determine whether the provisions of the unlawful flight to avoid prosecution statute have been met, in which case then we conduct a full-scale investigation.

I do not think I have with me, but I can supply, for the record, the cumulative numbers, but I do have fiscal year 1984 figures, that is, the figures from last year. There were 503 origin cases of parental kidnaping which were open, that is, reports of parental kidnaping, we open a file, 503, in 1984.

During that period of time, 147 complaints were issued pursuant to the unlawful flight to avoid prosecution statute, that is, complaints by the U.S. attorney, and of the 147 complaints issued, or during that timeframe, 140 subjects were arrested or located. During the calendar year 1984, 84 children were returned to their lawful parent.

Senator McCONNELL. I am actually surprised that there were that few.

Judge WEBSTER. Well, those are the figures. We had 503 requests of which 147 met the requirements of the act.

Senator McCONNELL. Can you tell me if that is a light year? How does that compare to some of the other years? Do you your folks know?

Judge WEBSTER. I had some figures for a prior year.

Senator McCONNELL. I know you do not have it accumulatively, but I just meant another comparative year.

Judge WEBSTER. 1983 figures show 188 kidnaping cases open compared with 503 in 1984, and 147 complaints. Pardon me. I do not have the complaint numbers. There were 81 subjects arrested compared with 140 in 1984, and 111 children were returned compared with 1984.

In other words, to characterize it, we had a substantially larger number of complaints, rather number of reported cases, almost twice as many—well, I cannot give you the number of complaints here because I do not have them.

There were 81 subjects arrested in 1983; 140 subjects arrested in 1984; 111 children returned in the timeframe in 1983; 84 returned in 1984.

Senator McCONNELL. The figure often bandied about in the network of those interested in the field of missing children, if my memory serves me correctly, is upwards of 100,000 noncustodial parental abductions a year.

So I guess we are led to conclude that those are just not being reported to you, right?

Judge WEBSTER. What is the figure, Senator?

Senator McCONNELL. The figure often bandied around, and I am sure you all have heard it, among those active in the field of exploited and missing children—

Judge WEBSTER. Now you have moved the discussion into missing children as distinguished from parental kidnappings.

Senator McCONNELL. Yes.

Judge WEBSTER. I am glad to do that.

Senator McCONNELL. I wanted to ask you missing children generally, how many reports are you getting in the course of a year.

Judge WEBSTER. All right. We, of course, do not investigate missing children, but we do enter reports of missing children in our NCIC system, and I do have information, if you want it, on the approximate number of missing children who were entered into the system over the last several years.

Senator DENTON. I would also be interested in that information, Judge Webster.

Senator McCONNELL. My staff has indicated that part of the problem might be the way you define missing child.

Judge WEBSTER. Well, we do not define "missing child." The NCIC system provides for the criteria for entering.

Senator McCONNELL. Do you make a distinction between missing and runaway? Do you consider a child over the age of 18 presumed to be a runaway and, therefore, not meeting the definition of missing child, over the age of 14?

Judge WEBSTER. I am in danger of being confused by what we are talking about here. In our NCIC file, is that what we are talking about now?

Senator McCONNELL. Yes.

Judge WEBSTER. I want to make it clear again that we do investigate abducted children under the unlawful flight to avoid prosecution statute. We do not have any jurisdiction to investigate missing children.

Any child who is kidnaped, who is kidnaped by someone other than their parents, is investigated under the Lindbergh Kidnaping Act, and parental kidnaping is investigated, to the extent I have previously testified, under the uniform flight to avoid prosecution statute.

The information about missing children is——

Senator McCONNELL. OK. Then just leaving aside the ones that you are compelled to investigate, I am interested in the NCIC statistic and in the category of noncustodial parental abductions which, in my judgment, is kidnaping.

Judge WEBSTER. The NCIC system, I think I should say to be sure that we are all clear, is the computer file that we manage for the entire law enforcement system. Some 16,000 agencies make entries into this file and draw information from it according to established rules and procedures.

Among the files, such as fugitives, stolen automobiles, certain types of stolen property, is a file on missing persons which was established in 1975. There are five categories of records which are maintained under the missing persons file, one of which is missing juvenile.

Senator McCONNELL. Then is there is category beneath that for noncustodial parental abduction or kidnaping?

Judge WEBSTER. No; I do not think so.

Senator McCONNELL. That, or the fact that it is a very common category, is the reason I ask. That is why I was surprised there were so few investigations.

Judge WEBSTER. Well, I will come to that because there are even fewer in this other area as far as the FBI is concerned, but juvenile is defined as a missing and unemancipated person. Missing itself is not defined. Emancipated depends on the law of the State which may be up to 18 years of age.

Within that file, I do have some figures that I think I should now refer to because the question has been asked. Approximately, I think, as a rule of thumb, if you will allow me to do that, and I can correct this for the record if I am overstating the case, but approximately 80 percent of all persons in the missing persons file are juveniles. That is correct. Approximately 80 percent of the numbers I am giving you now are juveniles.

Senator McCONNELL. OK.

Judge WEBSTER. In 1980, we entered 146,693. In 1981, we entered 150,632, a 2.7-percent increase over the previous year. In 1982, we entered 154,341, a 2.2-percent increase over the previous year.

It was about that time that the legislation came into place, which authorized the FBI to do what I volunteered to the conference committee to do, and that is, have the FBI enter reports of missing children in any situation in which a local law enforcement agency refused to do so on the request of the parents.

Senator McCONNELL. It requires a refusal?

Judge WEBSTER. It requires a refusal. They should first go to the local agency.

Senator McCONNELL. Right.

Judge WEBSTER. There is a very strong reason which was presented at that time, a very sound policy reason. We do not police. We do not investigate these cases and we require the individuals who enter the cases to clear them, that is, when they find a child, take them out of the computer. Otherwise, they are apt to get picked up somewhere when they are traveling.

Senator McCONNELL. That makes sense.

Judge WEBSTER. So we think they should first go there, but then we said, as a fallback, if, for some reason, if for any reason, the local law enforcement agency will not do it, will not take the time to do it, we will.

I think that that has had a very salutary effect on the attitude of all law enforcement on receiving and entering reports of missing children as evidenced by the fact that, in 1982, as I previously say, 154,341 records were entered, approximately 80 percent of those being juvenile, and in 1983, 189,532 records were entered, a 22.8 percent increase over the previous year. And in 1984, 247,142 records were entered, an increase of 30 percent, 30.4 percent, over the previous year.

Now, at the same time that this substantial increase of entries by local law enforcement has been going on, the FBI has really had very few requests made on it pursuant to the statute.

Our records in the file show that there were 38,700 persons currently in the file. I am talking about uncleared cases now. As of April 1, 1985, this year, there were 38,700 records of missing persons in our NCIC file of whom 28,244 or 73 percent are juveniles. Of the 28,244 juveniles in the file uncleared on April 1, 1985, only 24 were entered by the FBI, and we entered every one we were requested to enter where there had been a previous refusal.

Senator McCONNELL. I do not want to dominate this much longer. I do want to ask. Of the 28,000, do you have any indication of which of those are noncustodial parental abductions as opposed to other kinds? It is my judgment that that is the vast majority of the cases, and I have heard all kinds of statistics bandied about

over the years about how many noncustodial parental abductions there are in America every year. The NCIC computer is probably the best way to get some handle on that, even though obviously a lot of them are not going to be reported. I wondered if you have them broken down by that category, because when you hear from a local law enforcement official, he is likely to know whether it is a case of Mrs. Jones calling in saying Mr. Jones has grabbed our child and gone to somewhere, I know not where.

Do you have that category as opposed to a stranger abduction or a runaway category or something else? Is there that subcategory?

Judge WEBSTER. I do not believe there is. I will answer that for the record. As I pointed out to you last year, there were 503 reports of parental kidnaping for the entire fiscal year at a time when there were 498,410 missing persons entered in the records. So it is a very small amount.

Senator McCONNELL. Those were only the ones that you investigated, though?

Judge WEBSTER. We did not investigate all of those because only 147 of those met the requirements of the Unlawful Flight to Avoid Prosecution Act, but I can find out whether they are flagged in any way as abduction matters.

Senator McCONNELL. I would really like to know if that is achievable. There are a lot of other questions my staff has prepared which I would like to submit to you for your answers in writing. I would like to yield the floor, Mr. Chairman, and not dominate the hearing.

Senator DENTON. Senator DeConcini and I cochair a Caucus on the Family. One subject which we have gone into at some length is runaway children. In an investigation into the activities of Covenant House in New York, run by a Father Ritter who has been here several times, and the subsequent statistical analysis related to that investigation, we learned the dismaying fact that hundreds of thousands of children are not really runaways. They are neglected, unwanted children.

That might fly in the face of Kentucky's statistics, and if it does I would not be surprised, but that is the national situation. There are tens of thousands of children running around New York City alone. Father Ritter takes care of a few hundred at a time.

The effort of Covenant House is not to rehabilitate the children but to keep them from committing suicide or being killed in the process of their exploitation in New York City. It is a monstrous picture.

Judge WEBSTER. If the chairman would indulge me, I think Senator McConnell might be interested, if he was not aware, in knowing of a very recent situation in which an 11-year-old boy stolen from his mother in Kentucky was recovered by the FBI after almost 9 years in absentia. Two years ago his mother received a current photograph of the youngster and that portrait was given to the national relocater service. As a result of that effort, it was broadcast on television.

The young boy, now many years older but with a recent picture of himself, recognized his picture and contacted his mother in Kentucky, told her that he was acting in a performance of "Oliver" in

his elementary school in Long Island, and then the conversation ended.

With that bit of information in Kentucky transferred to the FBI offices in New York, we checked every elementary school in Long Island, found the school that was putting on "Oliver," located the child, and he has been returned to his mother in Kentucky.

Senator McCONNELL. Very good.

Senator DENTON. I do have some additional questions on a specific missing child case which the Senator from Texas, Senator Gramm, has asked that I pass to you. I would appreciate it if one of your staff would pick them up after the hearing.

Please update the 1983 summary report concerning the FBI's fight against pornography, either at this time or in writing to be made part of the record. In the update, detail the areas, such as amending the RICO statute, which need to be addressed by legislation, to aid in the fight against pornography, in general, and child pornography, in particular?

Judge WEBSTER. I would be very happy to do that, Mr. Chairmah. Since the report was issued, we have had additional results on at least three other cases, two in Los Angeles and one in Buffalo, and I will supply those for the record.

Senator DENTON. Thank you. I now want to bring up the matter of fugitive apprehension that I mentioned in my opening remarks. Last month, explaining why he brought the U.S. Marshals Service into the hunt for Josef Mengele, Stephen S. Trott, Assistant Attorney General for the Criminal Division, stated:

The Marshals have become very adept at bringing fugitives to justice, finding and arresting almost 7,000 fugitives in this country since 1980.

As I mentioned in my opening statement, I would like to hear your views on the prudence of assigning responsibility for the Unlawful Flight to Avoid Prosecution Program to the Marshals Service.

Judge WEBSTER. Mr. Chairman, we certainly applaud the Marshal Service for the progress that they have made and want to give them every assistance that we can. They are operating under a jurisdiction which we ceded to them at a time when our budget was very tightly strapped and we were not able to carry out other responsibilities.

The particular jurisdiction that they have is very appropriate because it deals with escapees and parole violators who are under the jurisdiction of the court, and as you know, the marshals have a very direct relationship with the judicial process and the court process itself.

I would be opposed to any further reduction of our responsibility in this area for reasons that I would like to outline and can particularize if you wish in more detail. We have, in concert with the Attorney General's war on violent street crime, prioritized our Unlawful Flight to Avoid Prosecution Program to concentrate our investigative resources on those local fugitives who are wanted for crimes of violence such as murder, robbery, rape, and assault.

In fact, 95 percent of our agent manhours spent on our UFAP cases in 1984 were on priority case indicator matters, our top priorities. A factor of considerable importance, I think, regarding our

ability to locate and to apprehend UFAP fugitives is the FBI's physical presence throughout the United States by way of its 59 field divisions and 420 resident agencies placed in key positions, as well as our nationwide communications capability and our 24-hours-a-day operations.

Our behavioral science unit, part of the FBI Training Division, administers the violent criminal apprehension program. For example, this unit played a very vital part in the FBI's fugitive investigation regarding "top 10" fugitive Christopher Bernard Wilder and also Alton Coleman by providing psychological profiles that assisted in their apprehension.

We have a nationwide network of criminal informants who provide information of value on a continuing basis regarding UFAP fugitives that I think is unique to the FBI. In addition, UFAP has provided the FBI with a corresponding opportunity to develop additional informants through apprehension of these fugitives who have provided substantial information regarding substantive Federal criminal violations.

In other words, the UFAP arrest is, many times, the beginning and not the end of our investigative process. It has been a valuable training ground for our special agents, one that I think is essential to their overall ability to deal with violent and stressful situations and one which, I think, we have carried out successfully.

Our 10 Most Wanted Program, I know you are familiar with that, and the important effect that it has had on both Federal, State, and local law enforcement as a whole. We promote that program through our media representatives and it has been very useful.

We train, as you know, approximately 3,000 command level law enforcement officers at Quantico, and this is a part of our overall program to develop and maintain meaningful liaison with local law enforcement.

As we moved into the major priority areas that we discussed earlier, organized crime, white-collar crime, foreign counterintelligence and terrorism, our work did not put us in day-to-day contact with street crime activity with the State and local law enforcement to the extent that it had in the past, and there were questions about the shared intelligence and shared information, and the FBI's willingness to help and assist local law enforcement.

In fact, in one period long past, I think there was talk that the FBI was a one-way street. Our UFAP Program and our responsibility for fugitives has been the one important link with State and local law enforcement that has helped us to maintain a two-way relationship that is vital to Federal cooperation.

I have been informed that Mr. Morris, the Director of the U.S. Marshal Service, is not seeking to acquire this additional responsibility, and I must say that I consider it a very vital part of what our overall program is, Mr. Chairman.

Senator DENTON. Judge Webster, I think that there have been sufficient suggestions regarding the relative merits of the U.S. Marshals' FIST Program and your UFAP Program to justify asking GAO to make some comments about the relative benefits and costs of each system.

Judge WEBSTER. I would welcome that, Mr. Chairman. We both need to learn from our respective techniques, and I think it would be useful for an outside agency to have a look at the way we each do business and particularly the way statistics are collected.

They are not going to be of much value to you if one agency claims statistical credit for a phone call from the police department saying come get your fugitive and the other does not. Those are matters where there ought to be uniformity and consistency.

I think that both Mr. Morris and I would welcome an objective look, and perhaps some additional thoughts could come out of such a study.

Senator DENTON. Thank you, Judge Webster.

Senator Leahy.

Senator LEAHY. Thank you, Mr. Chairman.

Judge Webster, we were talking earlier about wiretaps. I want to discuss another aspect of the wiretap issue. More and more of our communications are transmitted in the form of electronic data. Even voice is put down into a digit of some sort.

But a great deal of the traffic is not now covered by title III, which only covers the aural acquisition of the contents of a wire communication. Do you think, in view of that, that we may have to revisit title III and update it to cover the questions of digital transmissions?

Judge WEBSTER. I think it is well to look at title III. We certainly have been doing so within the Justice Department and may have some suggestions to make along the way legislatively, particularly, I think, in the scope of title III.

As you know, we can only use court-authorized wiretaps in certain kinds of crimes, certain stated types of crimes. In the interim, additional types of crimes have been identified that perhaps ought to be covered because of their seriousness or because there is some doubt as to the reach of the statute in terms of that criminal activity.

We do not want to use title III in a blanket way. In fact, we cannot afford to.

Senator LEAHY. I understand.

Judge WEBSTER. It is a very expensive thing to do.

Senator LEAHY. In fact, I noticed in the paper that Anthony Carrola—one of the people that you indicted—it said in the paper the indictment resulted from a bug in an automobile. Did you have to use a title III order for that?

Judge WEBSTER. Yes; now, that particular microphone bug was put in by the State agency under State law, but we do use the technique, particularly in foreign counterintelligence under the FISA statute, but always pursuant to court orders.

Senator LEAHY. What about a cellular phone? Do we need title III for that?

Judge WEBSTER. Well, I think those are areas that certainly need exploration, because we are not talking about wires at that point. As long as they have to go through a wire someplace—if both people are using cellular phones, I am not sure.

Senator LEAHY. Yes; we also have the question of extend-a-phones you walk around with. A lot of people now have them.

Those are just some of the things I am concerned about, and we do not really have to go into the technical parts here, but I am going to be asking my legal staff to work with yours as we go along.

Judge WEBSTER. We would welcome that.

Senator LEAHY. What I fear is at some point we will have some sweeping court decision and everybody will be left out there not knowing what to do.

Judge WEBSTER. There are a number of areas. I know the question has been raised in some of the pornography and obscenity statutes to the extent to which utilization of computers to transfer data would fall within one of the statutes.

While that had to do with whether or not a crime had been committed, it raises the same fundamental questions about whether our legislative definitions reach what is actually taking place in the real world today.

Senator LEAHY. I am going to an entirely different area, the area of terrorism, and I know that Senator Denton has touched on some of these things, the Aryan Nations, the Posse Comitatus, and others. Let me go into a couple.

I talked with some of your people in Puerto Rico, and I notice that the FALN has been active there again. They carried out a rocket attack against a courthouse in San Juan, and one against FBI headquarters. Have you been able to trace these rockets to determine their source of supply?

Judge WEBSTER. I do not know how much of this should be saved for closed testimony, but we certainly have connected the last rocket with the first rocket. That Federal building has been subject to two rocket attacks with a couple of years intervening, and we know they came from the same source. Anything else I might say about that investigation ought to be in the closed session.

Senator LEAHY. Let me ask you this question. Are you planning increases in the resources devoted to the Terrorist Research and Analytical Center in fiscal year 1986?

Judge WEBSTER. We have been beefing up that center consistently for the last several years, and it has been a key to the successes in identifying and locating the most difficult terrorists that we have had to cope with, the ongoing terrorist organizations.

I am very proud of the progress that has been made there. The Levasseur case, I think, will be a standout for what we are able to do.

Senator LEAHY. In 1984, you arrested a couple of Libyan students who were attempting to buy handguns equipped with silencers. They were later convicted of firearm violations. Were you ever able to determine why they were buying those particular guns?

Judge WEBSTER. Again, on that one, I think I would prefer to have that line of questioning, if I might, reserved for the closed session. We take it seriously though.

Senator LEAHY. I understand. I will renew that one in closed session. Do you have any idea how many Iranians are continuing to enter the United States on student visas now?

Judge WEBSTER. I had some figures last year. Senator, I will have to supply that for the record. I remember they were coming in at between 1,000 and 2,000 a month last year.

Senator LEAHY. So obviously a number beyond anything that we can monitor?

Judge WEBSTER. Yes; well, we have our profiling techniques that we use, but it is a very substantial number.

Senator LEAHY. I know that Senator Denton went into the question of Armenian terrorist groups. We obviously cannot permit diplomats of any country, whether they are allies or not allies of ours, in this country to be the subject of terrorist attacks. I think it is something that all elements of our Government stand united on—that we must protect people who are here in this country.

Have we found, though, with these particular groups, Justice Commandoes, the ASALA, that U.S. individuals and not just foreign diplomats may be targets of their terrorist attacks?

Again, is that a question that we should reserve for the closed session?

Judge WEBSTER. Again, I would like to be cautious in making the statements and I certainly do not want it to be an invitation to prove I am wrong, a public invitation to prove I am wrong.

The Canadian retaliation, of course, is there and probably prompts your question. I think we have not yet encountered this. There is always the risk, which we readily assume, that when we incarcerate members of a terrorist group who have been actively engaged either against their own nations or against other nationals that they will retaliate against American persons. That really has not occurred in the United States either with the Armenians or the Croations who, some years ago, had a practice of doing that in other parts of the world where their nations or members of their groups were incarcerated. It is always a possibility.

As you point out, I think one of the great glories of our Constitution is that everyone who is inside this country is entitled to the protection of our laws, whatever nationality. We have some control, sometimes not enough control, though, whether they get into the country. But when they are here, they are entitled to the protection of the Constitution.

Senator LEAHY. Judge Webster, I am going to ask a question for the record regarding a background check that was done on a Federal appointee in Vermont, one of President Reagan's appointments, a man strongly supported by both Senator Stafford and myself. I wish you would have your office take a close look at it. It is a matter of great personal concern to me. As I say, I will submit it for the record, and if anybody in your office looking at it needs further information, they should feel free to call me.

My last question, and I ask this because I may be in El Salvador soon. We had a hearing in the Appropriations Committee and we discussed the arrest of a young Salvadoran named Francisco Guirola. He was arrested attempting to smuggle \$5.8 million out of the United States.

The Custom agents said the money was payment for illegal drugs sold in this country, and I wonder if that matter is still under investigation. And has any part of that \$5.8 million been linked to the sale of illegal drugs in the United States?

Judge WEBSTER. If that is the case down in Houston—

Senator LEAHY. Yes. It seemed like a lot of money even by Texas standards. That is why I asked.

Judge WEBSTER. I am informed that the case is essentially a U.S. Customs case, but we are looking into it.

Senator LEAHY. I would like, as that goes along, in either open or closed session, if we could be kept apprised. I want to know, if we are able to determine, if that money was being used by any political groups in El Salvador, and if the money came from the sale of drugs.

I do not care whether it is a group on the right or the left, in all the various troubled areas of Central America, if they are going to start financing their activities through the sale of drugs in the United States, then we have taken what is already an enormous problem and compounded it almost beyond belief. I think its one problem that should be stamped on very, very quickly, and I would emphasize that I do not care if it is a political action or a military action group of the right or the left; if they are going to try to finance their activities through the sale of drugs in the United States, then we got one heck of a problem, and we had best devote every single resource that we have to stop that immediately.

Judge WEBSTER. Senator Leahy, we will certainly give you in closed session what we know of that case when we meet again. I mentioned earlier the case of the conspiracy to assassinate the President of Honduras in which 745 kilos of cocaine, worth \$10.3 million wholesale, were brought into the United States for that purpose.

Senator LEAHY. If any groups think they can get away with it, and again, let me say I do not care what their political stripe is or whether they are people that claim that ultimately they support the United States or are opposed to the United States, if they think they can fund their activities by such kind of illegal activity here, it is no difference really than the situation we once had with separatist groups in Canada that came down to my own State of Vermont and other places robbing banks, stealing guns, and other things to support their position back there.

We offer a lot of freedoms of expression. Anybody can come to this country and say anything they want, but they better obey our laws when they do it, and there is just no way in the world that we can have the United States become a haven for political action groups to use illegal activities—especially illegal activities that are so dangerous to our population—to support their own position.

Thank you, Mr. Chairman.

Senator DENTON. Thank you, Senator Leahy.

There is an Armed Services Committee markup meeting, which has been going on since 9 this morning, that I must attend. For the remaining time, Senator McConnell has consented to act as chairman.

Thank you very much, Judge Webster.

Judge WEBSTER. Thank you, Mr. Chairman.

Senator McCONNELL. Judge Webster, we might go on for a few more minutes here. My staff has indicated some budget questions that we have not asked. Let me propound them to you at this point.

I notice in reading the 1986 budget request the National Center for the Analysis of Violent Crime is expected to become operational in June of this year. As I am sure you know, this center will ana-

lyze by computer all unsolved homicides occurring in the United States from that time forward. Additional violent crimes will be added later.

My question has two parts. First, why do we need FBI funding for such a center? And second, does not the Bureau of Justice Statistics currently provide this information?

Judge WEBSTER. I think that this center holds tremendous promise for Federal, State, and local law enforcement. We are currently being half funded by the Department of Justice's Bureau of Justice Statistics and half by the FBI. There is no current funding beyond that time for this work.

It goes substantially beyond any collection of statistics that the Bureau of Justice Statistics has in place. It has a number of parts, but fundamentally the purpose is to be able to do research to profile, to train others in this work, to assist us in putting into an inventory, an inventory of unsolved violent crimes that could be part of pathological repetitive crimes.

There has been a great deal of this in the United States. The Christopher Wilder case and the Coleman case are examples of this. Through this type of concerted approach to pathological criminals—starting with murder and working into rape, arson, and exploitation of children, which are areas where we think there is the most repetitive type of pathological activity—we hope to develop important investigative techniques for identifying pathological or repeat criminals in these areas.

They move around the country as, for instance, Wilder and Coleman did. Local law enforcement has no way of knowing. They have a strange crime that has happened in their jurisdiction. They need help. They need help in recognizing whether or not the particular crime fits the pattern of other crimes that have taken place, anything that will give them some lead into what is taking place.

I have traveled a good deal around the country, and I cannot think of anything in the last few years that has more excited local law enforcement than this program, not only as promised but also the level of fulfillment that has already been given to them in terms of profiling.

I just came back from Norfolk. There was one case solved down there on the basis of profiling information developed through this center's activity and the expansion of it. It is essentially a local law enforcement inventory of crimes. They are not all Federal crimes. These are local crimes, homicides, rapes, arson, and exploitation of children.

Through this combined effort, local law enforcement has one place to go for help and information that will assist in the solving of these crimes that can be so terribly devastating around the country.

The track record of our Behavioral Science Unit, which is the core for the scientific part of it, is really impressive. It was this unit that helped solve the Atlanta killings, that has, in a whole host of tough situations, helped to produce profiling to identify the kind of person that we are looking for or that a particular law enforcement agency is looking for.

Senator McCONNELL. Thank you. One final question, and then we will submit the balance of them to you for your response in writing.

In reviewing your 1986 authorization and budget request, I note that you are requesting 519 additional positions over those appropriated in this fiscal year. Could you give us a rundown of how you want to use those new positions?

Judge WEBSTER. A substantial number of these will be in the major investigative programs, and I think, to some extent, results from the increased responsibilities that we are experiencing through the crime package.

Now, 148 positions are needed in the white-collar crime program, primarily 113 to carry the expanded jurisdiction in connection with the credit/computer fraud/counterfeit access program that came through under the new legislation pursuant to a memorandum of understanding between the Secretary of Treasury and the Attorney General in relation to the elevating of bank bribery to felony offenses where previously they were misdemeanors, expansion of bank frauds to include all parties to any scheme to defraud a financial institution, such as check kiting and certain counterfeiting and forgery of State and corporate securities.

We need 12 positions in the terrorism program to investigate Federal offenses in connection with the damaging of any facility used in the production, storage, transmission or distribution of electricity, fuel, or other source of energy; in hostage-taking and investigations where hostages have been taken in an attempt to compel a third person or governmental organization to do or abstain from doing any act. This is pursuant to the new authorizations.

In the organized crime area, we need 30 positions to investigate the additional responsibilities relative to the use of interstate commerce facilities in the commission of murder for hire in line with the antiracketeering provisions, murder, enabling RICO prosecutions for the mailing of obscene or crime-inciting matter, the importation or transportation of obscene matter, the mailing of indecent matter in wrappers for RICO prosecution—in other words, the expansion of the RICO provisions under the 1984 crime package—and three positions to help us with the increased responsibilities with respect to forfeiture and seized positions.

I think that the other field investigative programs requests for the 371 positions that I have not described can best be handled in the closed session.

Senator McCONNELL. Thank you very much, Judge Webster, for your opening statement and your candid responses to our questions. As in the past, we will be submitting to you additional written questions from members of the subcommittee, and we hope that you might be able to respond to those within 10 days.

We will continue with the classified portion of the budget authorization process at a closed hearing on April 17. Again, thank you for coming.

This hearing stands adjourned.

[Whereupon, at 11:53 a.m., the subcommittee adjourned, to reconvene on April 17, 1985, at 1 p.m.]

APPENDIX

QUESTION-AND-ANSWER SECTION

RESPONSES OF HON. WILLIAM H. WEBSTER
TO QUESTIONS SUBMITTED BY SENATOR JEREMIAH DENTON

September 1985

Question 1:

Recent press accounts have described what appears to be some confusion surrounding the 1982 FBI/DEA reorganization. Please explain what the facts are and describe the impact that the reorganization has had on illegal drug traffic and use in the United States.

Answer:

The facts surrounding the 1982 FBI/DEA reorganization are as follows: In January of 1982, the Attorney General announced that the FBI would have concurrent jurisdiction with DEA for investigating violations of the Comprehensive Drug Abuse Prevention and Control Act of 1970. He stated "...in order to ensure maximum effectiveness and efficiency in the enforcement of criminal drug laws, the resources of the FBI will be available to complement and supplement those of DEA." Also, the Attorney General directed that the DEA should report through the Director to the Attorney General, in order to develop an overall cooperative strategy between the two agencies, and bring the agencies as close together as possible.

In 1982, the FBI and DEA developed an implementation directive agreement, which sets forth the FBI's and DEA's responsibilities, and describes our individual and combined mission to combat drug trafficking.

Currently, over 1,000 Agents are working full time investigating drug matters, particularly stressing the FBI's expertise in organized crime, financial flow, and public corruption. Our major effort has been in the investigation of the above areas; however, in those geographical areas where DEA has little or no resources, the FBI has also investigated significant drug traffickers, generally in cooperation with state and local police agencies.

The FBI and DEA have established a cooperative working relationship with a defined procedure for information sharing and dispute resolution. The relationship has functioned well to date.

The Director established in 1984 the Committee for the Coordination of FBI/DEA Activities to address better coordination in the areas of technology, operations, budget formulation, administration, and long-range planning. Many administrative functions

common to both agencies have been, or are in the process of being, consolidated, such as the investigation of applicants, collocation of FBI and DEA personnel in common space, and training and laboratory functions. These efforts are designed to increase the efficiency and effectiveness of both agencies, and to reduce the administrative overhead expenses of the Department of Justice.

On May 24, 1985, the Attorney General announced the transfer of DEA training from the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia, to the FBI Academy in Quantico, Virginia. The Attorney General described the transfer of DEA training as part of the evolutionary process, begun in 1982, of building a closer cooperative relationship between the FBI and DEA. A joint FBI/DEA study group had made the recommendation to integrate training after their findings revealed that numerous benefits would be realized by both agencies should training be located at the FBI Academy. Present projections call for the phasing out of DEA training at FLETC to begin October 1st, with the enrolling of the first DEA Agent class at Quantico in October 1985.

There are currently over 800 investigations being worked jointly by the FBI and DEA. Through this experience, we are coming closer to implementing a joint investigative strategy against the major drug trafficking networks in the United States.

Besides the Committee for the Coordination of FBI/DEA Activities, the Director has assigned ten FBIHQ Supervisors to DEA HQ to develop and augment programs in DEA, such as planning and evaluation, internal audits, legal counsel, and automation capabilities. We have also instituted studies to evaluate the feasibility of placing the maintenance of DEA vehicles within the FBI maintenance system, transferring DEA personnel records to our personnel records system, and in collocating Agents in one space. We have also worked out a coordinated system for handling the forfeiture of seized property in the course of our investigations. Additionally, we are working on establishing a joint career development program, transfer policies, and compatible investigative guidelines.

These changes have had a significant impact on drug trafficking organizations and individuals. This can be most readily seen through the increasing number of FBI narcotics indictments and convictions. In Fiscal Year 1983, there were 1,185 individuals indicted and 728 convicted. In Fiscal Year 1984, these figures rose to 2,224 indictments and 1,570 convictions.

Moreover, the FBI and DEA have frequently struck at the heart of the drug trafficking problem -- the organized criminal enterprise. For example, a recently concluded investigation resulted in 41 indictments of the principals in a Sicilian Mafia heroin trafficking organization. This international group had, in five years, brought over \$1.5 billion of heroin into this country. In another series of investigations directed at the nontraditional organized crime groups, over 160 members and associates of outlaw motorcycle gangs were arrested nationwide during February 1985 for their participation in the manufacture and distribution of methamphetamines.

Question 2:

In the past, local law enforcement officials have complained that the FBI receives but does not feed back information important to local law enforcement efforts. Has this situation improved -- particularly in the area of terrorism prevention efforts?

Answer:

The FBI is the "lead" federal agency in combatting terrorism in the United States, but we could not be successful with-

out the help of other federal, state, and local agencies. A striking example of this was the effort culminating in the November 1984 arrest of Raymond Luc Levasseur and four of his associates, which involved representatives from three state police forces, several FBI field divisions, and a number of local law enforcement entities.

Joint Terrorism Task Forces, composed of FBI and state/local law enforcement officers, have been established in New York, Chicago, Boston, Newark, and New Haven. The Chicago group was formed to focus on the criminal activity of the FALN, a Puerto Rican terrorist group. In New York City, the Task Force was created to investigate the October 1981 Brinks armored truck robbery in Nanuet, New York, and has continued its operations against domestic terrorist groups in the New York area. To date, these Task Forces have been successful in obtaining numerous arrests and convictions.

In addition, during the security preparations for the 1984 Summer Olympic Games, our Los Angeles Division was part of an interagency effort to combat terrorism at the games. This effort was co-chaired by the FBI, the Los Angeles Sheriff's Office, and the Los Angeles Police Department. Together, we designed the Anti-Terrorist Operations Center (ATOC) that served as the intelligence clearinghouse and received and evaluated all threats. All personnel assigned to the ATOC, regardless of agency affiliation, were given "Top-Secret" security clearances after background investigations. The FBI will continue the practice of forming joint investigative groups whenever the situation in a particular area warrants such an approach. We have established joint task forces on an ad hoc basis, as in the cases of the Cuban Group Omega 7 in Miami and the United States Capitol, Navy Yard, and Fort McNair bombings in Washington, D.C. Such arrangements have worked extremely well.

With respect to policy regarding information sharing, the FBI is guided by the principle of "need to know." In the domestic terrorism area, information passage has generally been restricted to situations where there is reason to believe that an agency's interest is involved. When information is developed indicating a specific threat to personnel or property, whether in the United States or abroad, this information is expeditiously furnished. We also routinely disseminate information regarding individuals against whom criminal charges have been brought, especially if they are in a fugitive status.

Terrorism sources providing information are often in an extremely vulnerable position and any action taken based on their information risks compromising their safety. Where the risk must be taken to protect life or property, it will be taken. However, such risks, either to a sensitive source or potential evidence for prosecution, may not be taken simply for the sake of passage of information. Stated simply, if a bonafide "need to know" is established, the information will be shared and every effort will be made to protect the information and its sources.

The FBI routinely disseminates substantial amounts of criminal intelligence to authorized state and local agencies; however, the Privacy Act and the Federal Rules of Criminal Procedure, as well as other statutes and regulations, establish certain limits to dissemination of information.

Question 3:

One of the Bureau's primary initiatives is, and has been, to strengthen its foreign counterintelligence capability. Please provide some examples of how this capability has been strengthened.

Answer:

The FBI Foreign Counterintelligence (PCI) Program has

been strengthened in the past several years with the addition of several hundred Special Agents dedicated to FCI work. The FCI field investigator remains the nucleus of our FCI Program and, as our 1984 accomplishments attest, we have had a very productive year. To aid our FCI field investigators, the FBI has further developed its training, analytical, and computer capabilities to support our FCI operations.

FCI field investigators receive both basic counterintelligence (CI) indoctrination and advanced FCI techniques training early on in their FCI careers and can make excellent use of the Intelligence Information System, our computer system dedicated to support FCI operations. In addition, FBI Headquarters has expanded its analytical capabilities by employing over the past several years, Intelligence Research Specialists who provide real time CI analysis to our ongoing operations.

Question 4:

Was there any change in the type and/or impact of terrorist incidents in 1984 as opposed to those in the early '80's?

Answer:

The actual statistics are these: In 1983, the number of incidents in the United States was 31, down from 51 the previous year. In 1984, the tally was 13 incidents. The total to date in 1985 is two. Of the 31 incidents in 1983, approximately 60% were claimed by groups which fit into our "domestic" category. In 1984, all 13 incidents were claimed by "domestic" groups as were the two committed to date in 1985. All were bombings or attempted bombings. Most of the targets were United States defense contractors and military recruiting centers. Motivations ranged from opposition to United States policies in Latin America and South African racial policies to a desire for an independent Puerto Rico.

These figures demonstrate that our successes against international groups (those with foreign connections or whose activities transcend our borders) have substantially lessened their activity in the United States. Our successes against "domestic" groups have also quieted activity on that front. The 13 incidents recorded in 1984 is the lowest number since the FBI began keeping statistics in this area.

As encouraging as the statistics are, however, we should not be misled into believing that the terrorism problem has been solved. The number of actual incidents in any given year is but one measure of the potential threat to our security, and probably not a very good measure. Our investigations have determined that the groups we face today are generally better armed, more mobile, and more sophisticated than ever before. Furthermore, there is growing evidence that they are coordinating their activities to a degree we have not previously seen and also are establishing links with subversive elements abroad and/or with foreign governments that support the use of terrorism.

In order to obtain a clearer picture of the scope of terrorism in the United States, we have recently begun to document instances of terrorist-related activity -- i.e., activity for the purpose of supporting terrorist groups -- in the United States. This activity includes bank and armored car robberies, extortions, prison breaks, and narcotics violations. Our investigations have determined that such activity is occurring at a rate that indicates the United States continues to face a viable threat from terrorist groups whether they be domestic or international.

We have learned that, if they are to achieve desirable results, counterterrorism efforts must be viewed as a long-term proposition. It takes years to build the necessary intelligence base, the network of cooperating citizens, and the cadre of experienced, trained Special Agents. It is not, therefore, the FBI's

intention to remove the pressure from those elements that engage in violent criminal activity no matter what their proclaimed cause or social objective. On the contrary, for the foreseeable future, counterterrorism will remain a national priority program. We will continue to staff and train our Hostage Rescue Team, allocate the necessary Agent manpower, and expand the degree of interaction with state and local agencies.

Question 5:

Do "Chinese gangs" pose a significant threat and are there any ties between those gangs and the La Cosa Nostra?

Answer:

"Chinese gangs" are the "street muscle" for criminal enterprises in many cities across the country. There are indications that certain "Tongs" or associations use these gangs for protection, loansharking and narcotics trafficking. Recently the "Ghost Shadows" gang, which is affiliated with the On Leong Tong in New York City, was indicted for 83 counts of violations of the RICO Statute. These violations include 13 counts of murder and narcotics trafficking.

Because of the nature of the criminal enterprise engaged in by these emerging criminal groups, there are indications of collaboration between the LCN and its Asian counterparts, particularly in the cases of narcotics trafficking, gambling, and pornography.

Question 6:

Regarding the Bureau's analysts, those who do threat assessments, etc., -- what are their backgrounds and qualifications? (The concern is that lower-level analysts might not be able to grasp or digest certain information.)

Answer:

In 1980, the FBI established the Terrorist Research and Analytical Center (TRAC) at FBIHQ to analyze and computerize data on known terrorists and terrorist groups in the United States. The TRAC consists of research analysts and computer specialists who systematically review all information received by the FBI and make analytical assessments of the potential threat. These individuals form a well-educated, highly trained, multi-lingual, multi-cultural, and motivated professional analytical cadre. Analytical efforts in support of ongoing FBI terrorism investigations, coupled with timely production of finished intelligence products, have proven to be extremely beneficial to our efforts against terrorism in the United States.

Each of these analysts is a college graduate, and has attended various analytical training sessions, both within and outside the intelligence community.

Question 7:

What is the significance and scope of computer-related crime?

Answer:

Prior to October 12, 1985, there was no specific federal computer crime statute in the United States. The FBI considered computer crimes to be those prohibited acts that violated criminal laws under existing statutes, in which a computer and/or peripheral

equipment were instruments or objects of the crime. The existing federal statutes relied on by the FBI were: Fraud by Wire, Interstate Transportation of Stolen Property, Theft of Government Property, Bank Fraud and Embezzlement, and Unauthorized Sale of Copyrighted Software.

There are several general types of situations in which a computer and peripheral equipment are used in, or the object of, a crime. First, employees use programs or computer equipment to remove the assets of a company for his benefit. The acts are commonly called embezzlement, theft, or larceny. Second, con-artists use the output of the computer to legitimize their frauds. Third, computers are accessed by unauthorized users, commonly called "hackers." Finally, intellectual property of a victim is duplicated and sold in violation of copyright laws.

It is difficult to identify the cause and effect of computer-related crimes. However, beginning in October 1983, the FBI began tracking those reported criminal acts that met the definition of computer-related crime. The FBI concluded that, for the year ending September 30, 1984, there were 113 cases under investigation. These crimes fell into the following FBI classifications: Fraud by Wire (40 cases), Bank Fraud and Embezzlement (24 cases), Fraud Against the Government (21 cases), Copyright (13 cases), Interstate Transportation of Stolen Property (12 cases), and others (3 cases).

On October 12, 1984, the President signed into law the Counterfeit Access Device and Computer Fraud and Abuse Act of 1984, which made it a federal crime to knowingly access a computer without authorization to: (1) obtain certain information that had been classified for national security purposes; (2) obtain certain information contained in the records of a financial institution or consumer reporting agency; or (3) to use, modify, destroy, or disclose information in a government computer, or to prevent the authorized use of the computer. This statute also provides that, after an agreement has been entered into by the Secretary of the Treasury and the Attorney General, the United States Secret Service shall exercise certain authority to investigate these offenses. A Memorandum of Understanding has been signed by the Director of the FBI and is awaiting ratification by the Attorney General.

Question 8:

The Bureau's "FY 1986 Authorization and Budget Request" indicates that \$12 is charged for processing certain non-criminal justice/non-federal applicant fingerprint cards. In an effort to reduce expenses even further, has the Bureau considered charging for all fingerprint checks?

Answer:

There are three basic categories of agencies that contribute fingerprint cards to the FBI Identification Division (ID) for processing:

1. Federal Agencies: The ID does not charge other federal agencies for fingerprint searches. Title 31, United States Code (USC), Section 628-1, provides that no funds shall be withdrawn from an agency appropriation account for credit to another, except as authorized by law. Thus, another federal agency cannot legally transfer funds to the FBI to pay for the costs incurred by the ID in processing fingerprint identification records unless authorized by law. Interagency transfers must be authorized either specifically by statute or by the Economy Act, Title 31, USC, Section 686. However, the Economy Act is applicable only when no other statute specifically authorizes the providing agency to render the service in question and when the requested service is not part of the providing agency's mission for which it has already received appropriated funds. In light of the prohibition contained in Title 31, USC, Section 628-1, barring interagency fund transfers

absent lawful authority, and the applicability of the Economy Act, the FBI does not charge other federal agencies for fingerprint searches.

2. State and Local Criminal Justice Agencies: The FBI also does not charge a fee for the fingerprint cards processed by the ID that are submitted by criminal justice agencies. The FBI has consistently taken the position that it would be counterproductive and contrary to the nation's system of cooperative law enforcement. Moreover, these agencies furnish cost-free services and assistance to the FBI for which they could charge the government. Finally, the FBI ID's record system is built with voluntary submissions of arrest fingerprint cards from criminal justice agencies. Without these cards, there would be no criminal history record system. Charging agencies to receive their own records would probably discourage submissions and result in a degradation of the system.

3. State and Local Government Non-Criminal Justice Agencies: The FBI charges a user fee to cover the administrative and salary costs for each fingerprint card submitted by state and local government agencies in non-criminal justice licensing and employment matters. The Act authorizing the exchange of identification records for this purpose is Public Law (PL) 92-544, 86 Statute 1115. This category also includes fingerprint record checks that are conducted for the banking industry under the authority of PL 92-544, the securities industry under the authority of PL 94-29, and the commodities industry under the authority of PL 97-444. The authority for the FBI to charge for these services is found in the Independent Offices Appropriation Act, Title 31, USC, Section 483a, which authorizes charges to special beneficiaries of government services.

Question 9:

Along this same line, it is noted that individuals who receive training at your facilities are not charged. Again, in an effort to help defray costs, please discuss the "pros and cons" of making certain charges in this area. For example, charging for transportation, lodging, and meals.

Answer:

Charging students who attend the FBI Academy for training costs, including transportation, lodging, and meals, has been considered and determined to be not advisable.

Student allocations for training at the FBI Academy are made through the FBI's 59 field divisions and are based on demographic distribution of law enforcement officers throughout the United States and a demonstrated need for training.

Travel costs to and from the FBI Academy, as well as lodging and meal expenses, have traditionally been considered an integral part of the overall training costs, because, to do otherwise, would inherently discriminate against officers from distant jurisdictions and would place the FBI in the position of serving those departments who can afford the training, rather than those departments who need the training. Many state and local jurisdictions would be unable to afford any portion of the costs of training provided by the FBI Academy. This would immediately impact on large metropolitan departments suffering a declining tax base and shrinking budget, as well as small rural agencies that have no funds available for training.

It is significant to note that the courses offered for local and state law enforcement officers at the FBI Academy, such as the FBI National Academy Program, the National Executive Institute, the Law Enforcement Executive Development Seminar, and the numerous forensic courses taught in the Forensic Science Research and Training Center, cannot be taught through our Field

Police Training Program and are not available at any other location. Many of the departments that now participate in these important programs would be excluded if they were forced to pay training costs associated with attendance at the FBI Academy.

In summary, the FBI Academy's general law enforcement training program is designed as a national training assistance program for state and local law enforcement and requiring local jurisdictions to pay training costs would seriously impair our ability to make an equal distribution of training opportunities based upon the need for training of the individual agencies.

Question 10:

Are there any areas where the FBI budget could be trimmed?

Answer:

The FBI's 1986 request as amended (21,408 positions, \$1,207,182,000) contains program increases of 371 positions and \$29,564,000, or approximately 2.5 percent, greater than the revised 1986 base level of funding. This request represents the minimum level at which the President's deficit reduction initiative can be met while simultaneously enabling the FBI to address its full range of investigative responsibilities. The requested program increases will be applied to the FBI's highest priority investigative activities.

It should be noted that the 1986 base funding level includes resources for the annualization of the 1985 supplemental resources provided for the FBI's expanded investigative responsibilities resulting from the enactment of the Comprehensive Crime Control Act of 1984. These resources were applied to the Organized Crime, White-Collar Crime, Terrorism and Administrative Services programs.

The FBI's budget has been carefully examined and I do not believe there are any areas within it which can be trimmed any further without negatively impacting upon the FBI's ability to fulfill mandated responsibilities.

Question 11:

On December 6, 1983, the White House Working Group on Pornography issued its summary report on the FBI's accomplishments in child pornography. The report detailed the results achieved in the MIPORN, PORNEX, and PAPERHANGER cases, investigations which led to the successful prosecution of many individuals involved in pornography. I would ask that the 1983 summary report be updated at this time, or be formally responded to as part of the record.

Answer:

The FBI's efforts in pornography are aimed at organized crime, especially the La Cosa Nostra (LCN) influence or control of the pornography industry, large-scale distributors who deal in particularly offensive material, and child pornography.

The FBI's successes in the MIPORN investigation have significantly decreased the LCN's involvement in the day-to-day operations of the pornography industry. The MIPORN trials are ongoing in the Southern District of Florida.

In a separate investigation, on December 5, 1984, Martin Rodas, Richard John Spadafora, and Sheila Baumel entered guilty pleas in U.S. District Court, Buffalo, New York, to viola-

tion of the Interstate Transportation of Obscene Matter and Conspiracy Statutes.

This investigation was jointly addressed by the FBI and the Royal Canadian Mounted Police (RCMP), and resulted in the seizure of a large shipment of pornographic video tapes. Hodas, doing business as Coast Holding Corporation, has been characterized as the "King of Pornography" in the New York City area and has direct ties with several LCN families in New York.

The FBI investigates sexual exploitation of children matters under Title 18, USC, Sections 2251 through 2255, and has devoted significant manpower and resources to these investigations. We have realized a 606% increase in the manhours dedicated to this area in Fiscal Year 1984 over 1983. The FBI has supported the bills which amended the Sexual Exploitation of Children Statute. These changes have broadened our ability effectively to investigate violations of these matters.

Since cooperation is vital to the success of our investigations, representatives from the FBI, the United States Customs Service, United States Postal Inspectors, and local and state police departments have formed special task forces to investigate the sexual exploitation of children. These task forces have proven to be very effective.

The FBI is also a participant in an interagency working group under the auspices of the State Department. This working group, which includes representatives of the United States Customs Service, the United States Postal Service, the Department of Justice, and the FBI, is actively working to combat the importation of child pornography into the United States. In January, 1985, this group held discussions with Dutch, Danish, and Swedish officials on the subjects of child pornography, the international commerce of such materials, and the correlation between child pornography, sexual abuse of children and the pattern of behavior and activities on the part of pedophiles.

We have continued our effort in this area, and invited representatives from these countries to attend a Sexual Exploitation of Children Seminar held during May, 1985 at the FBI Academy in Quantico, Virginia.

Question 12:

The Communications Act (47 U.S.C. Section 223), as amended, prohibits making any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy, or indecent, by means of telephone. Additionally, the Federal Obscenity Statute (18 U.S.C. Section 1462) prohibits the interstate transportation by "common carrier" of, among other things, "any obscene, lewd, lascivious, or filthy book, pamphlet, picture, motion picture film, paper, letter, writing, print, or other matter of indecent character." Would these prohibitions apply to the use of computers by pedophiles to transmit information on their victims over telephone lines?

Answer:

Based upon a review of the statutes cited, we are of the opinion that the prohibitions contained in these statutes do not adequately proscribe the use of computers by pedophiles for communications purposes. The FBI bases its opinion on an analysis of the statutory language.

Title 47, U.S.C. Section 223, and Title 18, U.S.C. Section 1462, are limited to the interstate communication of obscene or indecent material. Consequently, computerized data which could not be characterized as either obscene or indecent, such as the exchange of non-obscene data (e.g., names, addresses, telephone numbers) would not appear to fall within the scope of the statute.

S. 1305, introduced by Senator Tribble, expressly deals with the use of computers by pedophiles to transmit non-obscene data. The Department will be testifying on S. 1305 at an October 1 hearing before the Subcommittee on Juvenile Justice.

Question 13:

On May 25, 1983, Deputy Assistant Director Wayne R. Gilbert testified before the Juvenile Justice Subcommittee on the question of parental kidnaping and the implementation of the Parental Kidnaping Prevention Act of 1980. Please describe how the FBI becomes involved in parental kidnaping cases and update the statistics and testimony on parental kidnaping complaints given by Deputy Assistant Director Gilbert. Additionally, the parental Kidnaping Prevention Act authorizes the FBI to access the Federal Parent Locator Service to request information in parental kidnaping cases. However, the FBI only uses the service in open cases. What is the position of the FBI in expanding the Federal Parent Locator Service search to cases, even closed cases, where the custodial parent is unable to obtain the information through any other means? Lastly, what is the FBI's position concerning the deletion of the parental exception to the Federal Kidnaping Statute: (18 USC Section 1201)?

Answer:

The FBI's investigative jurisdiction in parental kidnaping matters is limited to the Unlawful Flight to Avoid Prosecution (UFAP) Statute, Title 18, U.S. Code, Section 1073, since the Federal Kidnaping Statute, Title 18, U.S. Code, Section 1201, specifically precludes prosecution of a natural parent for the kidnaping of a minor child.

The FBI has established a policy of investigating all parental kidnaping matters if the basic requirements of the UFAP Statute are met, the appropriate United States Attorney's Office authorizes prosecution of a subject for the violation, and the U.S. Magistrate issues a UFAP warrant for the abducting parent. The basic requirements of the UFAP Statute call for issuance of a local or state felony warrant for the abducting parent when probable cause is shown to indicate that the abducting parent has fled the state to avoid prosecution, and local authorities have requested FBI assistance to locate and apprehend the abducting parent and have agreed to extradite and prosecute the abducting parent when apprehended.

During Fiscal Year 1983, 188 origin parental kidnaping cases were opened. During this period of time, 81 subjects were arrested and/or located, and 111 children were returned to their lawful parents. In Fiscal Year 1984, 503 origin parental kidnaping cases were opened, and 140 subjects were arrested and/or located. During Calendar Year 1984, 84 children were returned to their lawful parents.

Under current legislation, the FBI only utilizes the Federal Parent Locator Service (FPSL) in parental kidnaping cases to obtain certain federal tax information regarding the abducting parent for whom unlawful flight process is outstanding. Searches of the FPSL can also be conducted on the victim child if the child is employed or is eligible to receive either social security benefits or veteran's benefits from a deceased parent. Once the abducting parent is located and apprehended, the FBI closes its parental kidnaping case. In most instances, the victim child is located and returned to the parent having lawful custody upon the apprehension of the abducting parent. In those rare instances where the child is not located upon the abducting parent's apprehension, the parental kidnaping case is closed by the FBI, since we do not have investigative jurisdiction to continue our efforts to locate the abducted child. Furthermore, we are not authorized to utilize the FPSL in an effort to locate the victim child on behalf of the custodial parent once the abducting parent is appre-

hended. In order for the FBI to provide this service, legislative action would be required.

The FBI takes no position as to expanding the FPSL search. The FBI has no jurisdiction once the UFAP case is closed. Any expansion in this matter would have to come from a policy change by the FPLS.

The Department of Justice has traditionally opposed the deletion of the parental exception to the Federal Kidnaping Statute because the federal criminal justice system should not routinely be involved in routine domestic relations controversies. These matters are traditionally within the jurisdiction of the state courts. Furthermore, the deletion is not necessary, because the FBI is able to investigate parental kidnaping matters under the UFAP Statute, and subsequent prosecution of the abducting parent is handled by local authorities under state law.

Question 14:

Division II of Chapter VI of the Continuing Resolution which was signed into law on October 12, 1984, includes the Juvenile Justice, Runaway Youth and Missing Children's Act Amendments of 1984. As part of the Amendments the following definition of a missing child was used:

"(1) the term 'missing child' means any individual less than 18 years of age whose whereabouts are unknown to such individual's legal custodian if

"(A) the circumstances surrounding such individual's disappearance indicate that such individual may possibly have been removed by another from the control of such individual's legal custodian without such custodian's consent; or

"(B) the circumstances of the case strongly indicate that such individual is likely to be abused or sexually exploited."

Does the FBI use this or similar definition of "missing child" or does the Bureau have a definition which carries a presumption that a male child over the age of 14 is presumed a runaway? If the FBI definition carries such a presumption, please provide its definition used in the Juvenile Justice, Runaway Youth and Missing Children's Act Amendments of 1984.

Answer:

The FBI's National Crime Information Center (NCIC) contains a Missing Persons File (MPF) which became operational on October 1, 1975. This file currently has five categories of records, one of which is "Juvenile." According to the NCIC MPF Operations Manual, a "juvenile" is a person who is "missing" and declared unemancipated as defined by the laws of his/her state of residence and who does not meet the criteria of the other four categories. In most states a child is considered emancipated when he/she turns 18 years of age.

The FBI does not define or utilize the term "missing child." The FBI may institute a federal kidnaping investigation when a child is missing under circumstances indicating an abduction; however, when a parent or guardian reports a "missing child" to their local law enforcement agency, the descriptive data concerning that child can and should be entered into the NCIC MPF by that police agency. The Missing Children Act, passed on September 30, 1982, authorizes the FBI to enter a missing person's record into the MPF if a local law enforcement agency declines to make the entry.

The FBI responds to cases in which an individual is reported missing by conducting a preliminary inquiry. We do not presume a male child over the age of 14 has run away. We do init-

iate a kidnaping investigation if the preliminary inquiry surfaces facts indicating that an abduction has occurred.

Question 15:

When a child is missing for a number of years, the FBI's task of locating that child becomes difficult as a result of not possessing a current photograph. The FBI is currently experimenting with a project whereby a computer is used to enhance a photograph of a missing child so that a new photograph is created which predicts the child's present appearance. Please provide additional details on this innovative project.

Answer:

On at least one occasion, the FBI has utilized the service of an outside consultant to develop a computer-enhanced photograph of a kidnaped child. The procedure, which required nine hours to complete, was conducted at the Massachusetts Institute of Technology, Boston, Massachusetts, utilizing its computer equipment and two technical assistants.

The FBI Laboratory, Washington, D.C., has also modified the photograph of another kidnap victim by using an air brush to age the negative.

While these innovative techniques seem to have potential, neither has produced results. The FBI will continue to employ every available, logical, investigative aid and resource at our disposal to resolve successfully the investigative matter.

Question 16:

What degree of cooperation and coordination of effort currently exists between the FBI and the National Center for Missing and Exploited Children. For example, when a pedophile is arrested and biographical information on his child victims seized, is that biographical information turned over to the National Center to assist them in attempting to locate missing children? What other ways does the FBI cooperate with the National Center? Additionally, what would the FBI's position be on allowing the National Center authorization to verify outstanding warrants on parental kidnaping cases?

Answer:

When the National Center for Missing and Exploited Children (NCMEC) was established on June 13, 1984, the FBI immediately met with members of its staff to establish lines of communication so that there would be a coordinated effort in the area of kidnaped and sexually exploited children. Since that time, the FBI has maintained regular contact with NCMEC staff and has exchanged information concerning matters of mutual interest. The FBI has been assisted by the NCMEC at FBI training seminars and in the development of a curriculum to assist local law enforcement effectively to respond to the report of a missing child. This cooperation will continue so that both the FBI and the NCMEC can continue to meet their responsibilities efficiently and effectively.

FBI investigations concerning sexual exploitation of children have revealed that, in a vast majority of cases, the children are known victims, associated with the pedophile either through his employment or place of residence. In these cases, the FBI investigation addresses the timely notification of the parents and the initiation of the appropriate rehabilitative services afforded by state and local agencies.

In those investigations in which FBI Agents uncover evidence depicting children engaged in sexually explicit activity,

investigation is initiated to identify those children. Information provided by the pedophile, either through searches of books and records or from information derived from test correspondence, often partially identifies the child by first name, age and sex.

This information is forwarded to appropriate FBI field offices for investigation and to FBIHQ for appropriate searches in the Obscene Matter File maintained by the FBI Laboratory. When appropriate, the FBI contacts the NCMEC to assist in identifying these child victims. Similarly, the NCMEC regularly furnishes the FBI with investigative lead information as to missing and sexually exploited children that it has received via the "national Toll-Free Hotline."

In the vast majority of FBI investigations involving the sexual exploitation of children, lists are gathered that identify other pedophiles who correspond with the subject of our investigation. These lists are fully disseminated to FBI field divisions and state and local law enforcement agencies. Appropriate investigations are instituted to identify and develop prosecutive cases against these individuals.

On July 31, 1984, the Office of Legal Counsel (OLC), Department of Justice (DOJ), decided that the Acquisition, Preservation and Exchange of Identification Records; Appointments of Officials Statute, Title 28, U.S. Code, Section 534, would not preclude the National Center's access to the NCIC's Wanted Persons File, if such access is reasonably necessary to assist in its effort. However, the OLC advised that the justifications offered by the National Center and the Office of Juvenile Justice and Delinquency Prevention (OJJDP), DOJ, for access to this information were somewhat vague and inconsistent; therefore, it was recommended that the Center provide a detailed written explanation as to why access was necessary.

Question 17:

Please relate the FBI's experiences with the relationship between terrorists and drug traffickers, and what can be done to combat it?

Answer:

The FBI has received information from the DEA and the CIA regarding links between narcotics traffickers and terrorist organizations abroad, but to date, there has been little indication that a significant "narco-terrorism" connection exists in the United States. We have determined that certain Puerto Rican independence terrorist elements may be participating to a limited degree in narcotics activities as a means of raising revenue. Additionally, when we foiled a terrorist plot to overthrow the Government of Honduras in November 1984, 345 kilos of cocaine, having a street value of \$10.3 million, were seized during related searches. Some of this shipment was intended for payment of a "hit" team that was to assassinate the President of Honduras.

Clandestine terrorist groups often have difficulty supporting themselves. For this reason, the groups often turn to traditional criminal activity such as bank and armored car robberies. Narcotics trafficking is certainly highly remunerative and for that reason, can be expected to be increasingly attractive to terrorist elements in need of financial resources. Mitigating against this eventuality is the fact that many terrorists, particularly those motivated by Marxist/Leninist ideology or by religious zeal, see themselves as highly moralistic and tend to avoid activities that would tend to damage their image. While they can categorize bank robberies as "expropriations" from an unjust power structure, the groups have extreme difficulty rationalizing drug dealing.

A second reason for terrorist-type activity associated with the narcotics trade is the perceived need on the part of traffickers to protect their enterprises. As United States efforts to interdict the flow of narcotics to our country have increased, so has the threat of reprisals against United States personnel. We do not view this as terrorism in the true sense, and deal with it in an organized crime/drug enforcement context.

In an effort to combat the connection between terrorism and drug trafficking, we are moving forward aggressively on all investigative fronts, and are participating in discussions and information exchanges with several foreign governments. Both of these areas -- narcotics and terrorism -- are top priority investigative programs as the FBI, and will receive the attention necessary to prevent what would unquestionably be a dangerous mix.

RESPONSES OF HON. WILLIAM H. WEBSTER
TO QUESTIONS SUBMITTED BY SENATOR PATRICK J. LEAHY

September 1985

QUESTION: Judge Webster, I am providing you with a copy of a news story that ran in the Boston Globe in September of last year. It concerns Judge Franklin Billings, who is a recently appointed Federal District Judge. The article quotes sources close to the Judge as indicating that the FBI, as part of its background check of the Judge, tried to learn his views about abortion.

Are you aware of any activity by Bureau agents asking candidates for public service questions about abortion, school prayer, or any other specific questions of belief, opinion, or ideology?

Is there a Bureau policy on such questions?

Do you regard them as within the proper scope of inquiry?

If there is such a practice, with or without a formal policy, will you take steps to see that it is eliminated?

Did any FBI agents ask such questions in the background check of Judge Billings?

ANSWER: We have reviewed the article which you provided from the "Boston Globe" of September 16, 1984, concerning Judge Franklin Billings. While the article refers to "investigators from the US Department of Justice," we do not note any association of the FBI with those questions which prompted your concern.

The FBI did conduct an investigation of Judge Billings in connection with his nomination to be Federal Judge at the request of the Department of Justice. We have reviewed the investigative reports and found no indication questions concerning school prayer or abortion were asked. The agent who conducted the interview of former Vermont Governor Thomas Salmon (who is identified in the article as a source of the claim these questions were asked) has advised that he made no such inquiries of him.

The Special Agent in Charge of our Albany, New York Office, which covers Vermont, during a courtesy visit to Judge Billings, in February, 1985, raised this matter with the Judge. During this visit, Judge Billings advised that he had no knowledge that the question of his views on right to life or school prayer had been raised by any FBI agent during the course of his background investigation. Judge Billings was of the opinion that questions of this nature were asked by other people in the screening process for his judicial appointment.

In conducting a background investigation on persons under consideration for appointment to the Federal judiciary, it is the policy of the FBI to make inquiries relative to character, associates, reputation, loyalty, legal qualifications and ability. We also ask interviewees to comment about courtroom demeanor and judicial temperament and solicit comments on the existence of any biases or prejudices which would affect the nominee's judicial judgment. We do not make inquiries regarding a nominee's position on social or political issues, beliefs, opinions, or ideology, except for questions relating to loyalty which are intended only to determine an individual's commitment to the constitutional principles on which our Government rests.

QUESTIONS:

Last fall, I chaired a hearing in this Committee with regard to gaps in the current wiretap law with respect to new forms of electronic communications. The Justice Department testified that Title III does not cover the transmission of data, for example, computer-to-computer communications, even

where the data is being carried over common carrier telephone lines. I'd like to ask you a few questions about FBI practices in this area.

First of all, has the FBI ever engaged in electronic surveillance of data transmissions in a domestic law enforcement context--I'm excluding foreign intelligence or foreign counterintelligence from my question?

Can you estimate how many times in the past year the FBI has engaged in this kind of electronic surveillance?

Do you (or would you) seek a court order to engage in this kind of electronic surveillance?

What standard would govern the issuance of such a court order?

ANSWER:

We are unable to recall any case in which the FBI has engaged in electronic surveillance of data transmissions, for example, computer-to-computer communications, in a domestic law enforcement context.

The basis for that statement should be stated. Although the Bureau does maintain records concerning electronic surveillance under Title III, it does not keep records of warrants in such a manner that information in them can be retrieved readily by description of the place to be searched or the items to be seized. Copies of warrants are maintained in individual case files in our field offices along with other serials pertaining to the particular investigative matter. We asked logical entities at Headquarters if they knew of any instances in which we had engaged in electronic surveillance of computer-to-computer communications. We have obtained search warrants for information within computers, but no one could recall the electronic interception of computer-to-computer transmissions.

We would anticipate the need to conduct such a surveillance would arise most likely in money laundering, electronic funds transfer or bank fraud cases. Confronted with the necessity for an electronic interception in one of these cases, or in another case, we would first determine if there was a reasonable expectation of privacy in a communication. If so, we would apply for a warrant under Rule 41 of the Federal Rules of Criminal Procedure.

You may be interested in our policy with regard to paging devices, since they may involve the kind of new forms of electronic surveillance which prompted your question. For interception purposes, we have divided pagers into three classes: tone-only pagers, digital pagers, and voice pagers.

A tone-only pager is a device which a person can use by placing a telephone call to a company providing a paging service. The person gives the name or code number of the person to be paged and the name and telephone number of the person to be called. The company then sends out a radio signal that activates the paging device. Because there is no reasonable expectation of privacy in the use of such pagers, no judicial warrant of any type is required for the interception of radio signals transferred to tone-only pagers.

The person desiring to contact the carrier of a digital pager dials into the paging service and then dials a second number. A computer catches the second number, activates the paging device, and causes the device to display the number that has been dialed into the computer. Because there is a reasonable likelihood that courts will determine persons have a reasonable expectation of privacy in communications transmitted to digital pagers, a warrant under Rule 41, Federal Rules of Criminal Procedure, is obtained prior to the interception.

Voice pagers are similar to digital pagers in that they also transmit messages. Instead of dialing a number into a computer, however, the caller leaves a very short oral message which will be briefly stored and transmitted via a radio frequency to the paging device when the carrier activates the device. Because interception of radio messages transmitted to voice pagers constitutes an aural acquisition of the contents of a communication which travels in part through a wire, we obtain an order pursuant to the provisions of Title III prior to interception.

Question:

Judge Webster, I'd like to ask you some questions about

your anti-terrorism program. I think we all recognize that there have been some great strides in preventing terrorist incidents and in bringing to justice many individuals engaged in terrorist networks. I'd like to first ask you whether the FBI has been able to live within its budgeted resources for the domestic terrorism program in FY 83 and FY 84? Have you devoted more actual work years to that program than you had budgeted for in those years?

Answer:

The FBI was required to reallocate manpower resources in both Fiscal Years 1983 and 1984 to augment the Domestic Terrorism program. In FY 1983 this portion of the overall Terrorism Program was funded for 138 Special Agent workyears. 196 workyears were actually expended, which is 42 percent more than was allocated. In FY 1984, 152 workyears were funded and 332 expended, which is 118 percent more than was allocated.

QUESTION:

Do you anticipate that the number of workyears which were budgeted for FY 1985 will be enough to handle your domestic terrorism program?

ANSWER:

At this point it seems clear that the number of workyears budgeted for the Domestic portion of the Terrorism Program will not be sufficient to meet our needs. 153 Special Agent workyears are funded for FY 1985. Through June 9, 1985, manpower is being expended at an annualized rate of 415 workyears, for a 171 percent overburn.

QUESTION:

How many additional workyears do you anticipate will be necessary?

ANSWER:

Review of manpower utilization through June 9, 1985, and examination of existing workload indicate that a minimum of 263 additional Agent workyears (over and above the 153 currently authorized) will be required to meet the terrorist threat in FY 1985. Several major cases (including the various right wing hate groups such as Aryan Nations and the Covenant, Sword, and Arm of the Lord, and investigation of terrorist groups in Puerto Rico) have developed since the beginning of investigative activity. It now appears that these investigations will demand infusion of considerable resources for the foreseeable future.

QUESTION:

Where are these additional resources going to come from?

ANSWER:

These resources will, of necessity, come from other investigative programs. The manpower will be reallocated internally as necessary to address the threat.

QUESTION:

Aren't other FBI programs suffering from the drain of resources out of those programs into the domestic terrorism program?

ANSWER:

Yes, without question other programs are suffering from this diversion of resources. But Terrorism is one of our four national priority programs and as such will always be given the necessary resources even if this is at the expense of other fugged activities. We attempt to prioritize work in the affected programs so that the most important cases receive appropriate attention.

QUESTION:

Don't you think the American people want to know that you are in fact devoting significant and sufficient resources to combat the domestic terrorism threat?

ANSWER:

Yes. In point of fact, the record speaks for itself. Of all the countries in the free world, ours is one of the few, if not the only one, to have actually reduced the amount of terrorist incidents over the past three years. This in a time when terrorism worldwide has been in a state of dramatic increase and United States persons and interests abroad have become the number one target. This record, we firmly believe, indicates that the FBI has, in fact, been devoting significant and sufficient resources to the Terrorism problem. The American people can be assured that this effort will continue and that the security of our citizenry from terrorist depredations will always be a top priority concern of the FBI.

QUESTION:

Why don't you just give us the budget totals that you need for this important program instead of reprogramming resources from other areas?

ANSWER:

In October, 1982 the FBI elevated the Terrorism program to national priority status in response to a recognized growth of the threat. Since that time the U.S. Government has entered into a period of general budgetary retrenchment. While the FBI would certainly like to see the granting of enhancements to funds currently authorized for counterterrorism activities, we are supportive of the President's efforts to hold the budgetary line. Accordingly, we have followed a policy of reallocating internally as specific needs have arisen.

QUESTION:

The 1984 Omnibus Crime Control Act gave some significant new authority to federal law enforcement agencies. I believe the Bureau has asked for a small supplemental in FY'85 to handle increased duties resulting from the Omnibus Crime Control Act. But you haven't asked for any additional resources over and above the '85 figures for expanded activity in FY'86. Do you think you can carry out the new investigatory responsibilities which will result from passage of the act without a significant expansion of resources?

ANSWER:

The FBI's FY'85 supplemental request includes 148 positions and 37 workyears specifically designated to handle the increased responsibilities generated by the enactment of the Comprehensive Crime Control Act of 1984. In FY'86 an additional 111 workyears will become available to the FBI through the annualization of the FY'85 supplemental request - for a total of 148 positions and 148 workyears.

The full impact the enactment of this act will have on the resources of the FBI is still undeterminable. The lack of historical data, together with developing prosecutive guidelines and policy make it difficult to provide precise estimates. With the establishment of federal sanctions for counterfeiting of state and corporate securities, credit card fraud, computer fraud, and trademark counterfeiting, as well as the additional jurisdictional responsibilities in our Terrorism and Organized Crime Programs, it is expected that additional resources above the '48 workyears will be required by the FBI. These resources will continue to be requested once appropriate justification can be provided through the collection of empirical data from which reasonable estimates can be determined.

QUESTION:

I might get you in trouble with President Reagan for asking the following question, but let me go ahead and do it anyway. At the direction of the President, you proposed cutting about \$5 million out of the Program Direction account in FY '86. Yet you show a steady level of positions and workyears in that account. How are you going to accomplish this goal?

ANSWER:

The FBI is supportive of the administration's efforts to control the deficit. To sustain a reduction of \$2.546 million in the Executive Direction and Control Decision Unit would require reducing 55 workyears at an average cost of \$46,436 per workyear. Since all non-personnel funding in this decision unit is incrementally attached to workyears in the program, to mandate such a reduction would diminish the FBI's responsiveness to public affairs matters, legal activities, audit and program evaluation reviews, budget and accounting functions, and general management direction.

Likewise, to reduce the Administrative Services Decision Unit by \$2.425 million would require that workyears be reduced. Non-personnel dollars in this decision unit are also incremental to personnel; therefore, reducing this amount of funding would cut 76 workyears from this decision unit. This reduction would diminish the FBI's effectiveness and efficiency in performing certain support services to field operations. These services include procurements, facilities maintenance, personnel management, and voucher and payroll processing.

The ten percent administrative reduction translates into a personnel reduction in the Program Direction activity of approximately 131 employees.

As the Director has testified in the course of previous Congressional hearings, to sustain these administrative reductions in the administrative services function would be a significant reduction of services. The FBI would likely request a reallocation of resources from other areas to sustain a minimum level of services within the administrative area.

QUESTION:

How are you going to be able to supervise a billion dollar budget if you are cannibalizing your own office to meet required savings?

ANSWER:

The FBI supports the administration's efforts to control the deficit. However, the mandating of specific reductions to the Executive Direction and Control Decision Unit and the Administrative Services Decision Unit imposes an excessive burden on the FBI. These reductions would diminish the FBI's effectiveness and efficiency in performing certain functions in support of field operations, including procure-

ment, facilities maintenance, personnel management, and voucher and payroll processing.

In the event Congress allows the FBI more discretion or flexibility in where to absorb the reduction, the FBI believes there is an opportunity to identify areas which would be less damaging to the daily operations of the FBI. For example, if this reduction could be absorbed in a nonspecified area, the FBI would likely reduce the procurement of equipment related items to avoid personnel reductions. These planned procurements of equipment could be delayed until future years, and would be less likely to impact on the overall effectiveness and daily operations of the FBI.

As the Director has testified in the course of previous Congressional hearings, to sustain these administrative reductions in the administrative services function would be a significant reduction of services. The FBI would likely request a reallocation of resources from other areas to sustain a minimum level of services within the administrative area.

Question:

I understand that one of your top priorities in FY '86 is building a new dormitory at your Quantico facility. Can you tell us what the impact would be on training Special Agents and state and local law enforcement officials if Congress did not appropriate that money?

Answer:

The construction of a third dormitory at the FBI Academy is deemed vital to the continuance of the Academy's ongoing programs/commitments. At present, with two existing dormitories, the FBI Academy has an optimum annual capacity of approximately 150,000 student training days. The Academy operated at 104% of capacity in FY 1984, with training days equally allocated between FBI employees and general law enforcement training.

During 1984, excluding New Agents' Training, 60% of the requests for FBI training could not be conducted due to lack of dormitory space at the FBI Academy; it is estimated that in Fiscal Year 1985, 55% of the demand will not be satisfied. In order to accommodate part of the demand for in-service training during the past two years, 1,854 students were lodged in local motels and hotels.

In response to internal training and development needs, the Training Division has established strict criteria for the scheduling of non-FBI schools. Training sessions are presently limited to management and executive development programs and those scientific and technical schools which are not duplicative of local or state initiatives. The FBI Academy is meeting less than 33% of the demand for the National Academy Program and approximately 13% of the demand for specialized and technical training for local law enforcement.

Almost without exception, the curriculum presented at the FBI Academy represents subject matter that requires unique resources and personnel which are not available elsewhere. Likewise, the use of motels and other training facilities is not considered a viable long-range training mode. The learning environment available at the FBI Academy, as well as the security and unique resources it provides, makes it the ideal location for carrying out the FBI's mandate for continued training of its own personnel as well as our commitment to the general law enforcement community.

If the proposed third dormitory could not be built, it would be impossible for the FBI to effectively meet its increased training needs in the critical areas of foreign counterintelligence, computer-related training, white-collar crime, organized crime, drug matters, terrorism, supervisory, undercover, and New Agents' Training.

In 1981, the Forensic Science Research and Training Center (FSRTC) became a permanent facility at the FBI Academy. It is unique in its efforts to support the Federal, state, and local law enforcement community and to further expand the capabilities of forensic scientists. Full use of this facility, with no increase in dormitory space, has caused a reduction in other programs previously conducted at the Academy.

In addition to housing 250 students, the proposed dormitory will include facilities to meet the specific needs of the FBI's Intelligence Division. Alternatives to satisfying the requirements of the Intelligence Division were explored, and the Bureau concluded that the new dormitory is the most desirable and cost effective means to meet their demands. This dormitory will also accommodate conferences, seminars, retreats, and other related activities, which the FBI Academy is not presently equipped to handle.

New Agents' training at the Academy is expected to increase in future years because of projected Agent retirements notwithstanding any significant growth in the Bureau's staffing levels. This additional training mandate will, of course, impact on other FBI and general law enforcement training if the proposed dormitory is not constructed.

The relocation of all DEA training from the Federal Law Enforcement Training Center (FLETC), Glynco, Georgia, to Quantico, will further aggravate the dormitory crunch already being experienced. DEA's projected annual training need of 16,000 student days represents approximately 10% of the Academy's present student day lodging capacity. Specific cuts of priority training would have to be made or accommodated through additional off-site lodging absent construction of a third dormitory.

Question:

Do you think that the new forfeiture provisions contained in the '84 Omnibus Crime Control Act will help in your efforts to seriously dismantle traditional organized crime families or some of the new organized crime elements such as the drug rings and motorcycle gangs?

Answer:

The new forfeiture provisions in the Comprehensive Crime Control Act of 1984 will greatly enhance our efforts at dismantling organized crime operations. The reforms incorporated in these provisions will strengthen and clarify criminal and civil forfeitures by providing for:

- forfeiture of profits and proceeds of organized crime (RICO) offenses;
- criminal forfeiture in all drug felony cases;
- transfer of forfeited property to State and local law enforcement agencies participating in the investigation leading to seizure and forfeiture;
- expanded procedures for "freezing" forfeitable property pending judicial proceedings;
- forfeiture of land used to grow, store and manufacture dangerous drugs; and
- expanded use of efficient administrative forfeiture procedures in noncontested cases.

Since a primary objective of organized criminal activity is the acquisition of illegal profits, the forfeiture provisions will tend to weaken criminal organizations by depriving them of their profits.

QUESTION:

Mr. Webster, we included in the comprehensive crime

package passed in the last Congress a rural crime amendment which I sponsored. It provides within the Justice Assistant Grant Program grants to provide training and technical assistance to rural law enforcement authorities, with particular emphasis on violent crime, juvenile delinquency, and crime prevention.

With all of the emphasis in past years on urban crime, I really felt that some of the distinguishable problems of rural crime were not being addressed.

Has the Bureau recognized the problems of fighting crime in sparsely settled areas, and what prospects can you see for future federal-state cooperation on rural crime problems, either through the provision I have just described, or through any other means?

ANSWER:

Yes, the Bureau has recognized problems of fighting crime in sparsely settled areas. Confronted with some of the same problems ourselves, the FBI has responded by devoting its own resources to investigating crimes within its jurisdiction in such areas, by offering Bureau services to local law enforcement agencies and by training law enforcement officers from rural areas.

Events which occurred a few years ago as well as items in today's news underscore the validity of your concerns, especially with regard to violent crime. It was not all that long ago that the Bureau was deeply involved in attacking violence which erupted in rural as well as urban areas over integration and the civil rights movement. More recently the FBI has arrested or participated in the arrests of heavily armed individuals residing in well fortified positions in remote areas.

We find that many of our investigations of heavy equipment thefts, bank burglaries and bank robberies take place in other than urban areas.

Because we have national investigative responsibilities, we have stationed Agents across the country. In the less populated areas we have placed Agents in resident agencies. At present we have over 2,000 Agents assigned to slightly over 400 resident agencies. While some of the resident agencies are in large cities, others are in smaller cities and towns. Some are staffed by many Agents; others have but one Agent. About two years ago we conducted a study of our management of our resident agencies. We found, among other things, that they were necessary, viable and productive.

The services of our Laboratory and Identification Divisions are available to all departments, regardless of size, and many small departments use these services. As more and more laboratories and identification bureaus request our assistance, an increasing percentage of our work is done for the smaller departments. For example, the vast majority of the 9,000 latent fingerprint cases received in fiscal year 1984 from state and municipal agencies were sent to us by small town and rural departments.

Under provisions of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, the Crime Control Act of 1973, and Comprehensive Crime Control Act of 1984, the Federal Bureau of Investigation provides training for state and local criminal justice personnel. The training programs are provided, upon request, to jurisdictions of rural, suburban, or urban populations, and utilize local or regional training facilities.

During FY '84, FBI instructors participated in 5,705 schools in which 64,367 hours of instruction was provided to 182,226 law enforcement personnel. Sixty-nine (69) percent of the schools and 81 percent of the hours of instruction pertained to topics which would assist law enforcement personnel in combating violent crime.

FBI Special Agents in Charge (SACs) provide assistance within their field office territory by participating with chiefs of police, sheriffs, and training officials who serve on advisory boards and councils which address training problems and needs. In addition, the Police Training Coordinator and Special Agent instructors assigned to each FBI office provide training, materials, and consultation to state and local law enforcement. Training in rural areas is augmented by approximately 700 FBI instructors who are assigned to Resident Agency offices which serve many rural and sparsely settled areas.

A significant contribution to law enforcement training is provided at the FBI Academy. During FY '84, the General Law Enforcement Training Program trained 5,074 students. One thousand (1,000) of these attended the FBI National Academy which is designed for mid-level and senior law enforcement administrators. In the first three quarters of FY '85, 13.6 percent of the National Academy students came from departments with 25 or fewer personnel.

The National Center for the Analysis of Violent Crime (NCAVC), located at the FBI Academy, is a law enforcement oriented behavioral science and data processing center designed to consolidate research, training, and operational support for any law enforcement agency confronted with unusual, bizarre, and/or particularly vicious or repetitive violent crime. It is expected these resources will be particularly valuable to rural law enforcement departments which do not have specialists to handle these types of cases.

The FBI recognizes that rural law enforcement agencies, particularly very small departments in sparsely populated areas, often lack the necessary resources to effectively handle all types of crime committed within their jurisdictions. Subject to personnel and budgetary constraints, both FBI field-based and Headquarters instructors and specialists, will continue to actively support the requests from these departments for FBI assistance.

We think that the cooperation which has existed over the years among rural law enforcement officers and Bureau Agents will continue. We also think the prospects are good that the relationship will become even stronger as a result of our determination to continue the kind of efforts just described.

Question

Is the FBI on schedule in procuring and putting in place its new secure voice communication system?

Have you had to slow this program down due to any budget constraints?

Answer

The FBI is planning, procuring, and installing a digital voice privacy radio system for each of its 59 field divisions. These systems should not be confused with secure voice systems which are authorized for the transmission of classified information. At this time, this major effort is essentially on schedule. One division, Los Angeles, has its system in operation. Systems in Boston, Chicago, Miami, New York, and Washington Field Office are being installed at this time. Systems for 17 additional offices are in final design stages, with portable radios and radios for automobiles in manufacture and being delivered. In addition, limited systems are in place in 23 divisions which utilize full-time Special Operations Groups.

While we have not yet incurred any delays due to budget constraints, the extent of our ability to secure contractor installation support may be limited by projected budget amounts. Some installation delays due to this may result in future years.

QUESTION:

A couple of years ago when the Administration set up its Organized Crime and Drug Enforcement Task Forces, I was quite skeptical that the complex bureaucratic structure outlined to the Committee would be effective in stemming the flow of drugs. Having had a couple years experience with the Task Force, how would you rate their performance?

ANSWER:

The Organized Crime Drug Enforcement Task Force (OCDETF) Program has been successful. Since the creation of the program, 2,443 individuals have been convicted, \$76,279,000 in cash, and \$81,338,000 in property have been seized. The OCDETF draws upon the expertise and resources of the participating agencies, while requiring that the assigned personnel remain under the direction, control, and authority of their agency. This ensures that there is accountability and responsibility on the part of the Agents as well as the agencies.

During FY 1984, the FBI expended 550 Direct Agent Workyears in OCDETF investigations, although allocated only 362 Agents for that purpose. The over-utilization of agents has continued during FY 1985. As of August 1, 1985, annualized Direct Agent Workyears totaled 456 whereas only 360 positions had been allocated to the Task Forces. The FBI believes that this commitment of resources to the OCDETF has contributed significantly to the success that the Program has achieved.

QUESTION:

Have your Special Agents in the Field raised any significant complaints about working within the OCDE structure?

ANSWER:

Some Special Agents have expressed apprehension that the program will become a separate entity. They also have noted the difficulty in maintaining the proper prosecutive and investigative relationship.

The Task Force Guidelines provide for the appropriate delegation of authority and separation of responsibilities. It has been necessary for the Department of Justice and FBI Headquarters to provide oversight and direction to insure the integrity of the process.

QUESTION:

In the last Congress, the Subcommittee spent a good deal of time on the oversight of security arrangements at the Los Angeles Olympics. We do have some questions about the lessons you may have learned as a result of Olympic security preparations.

First, have you gone back and done a full review of the Olympic security arrangements to determine what worked and what didn't?

ANSWER:

At the conclusion of the Los Angeles Olympics and the two major national political conventions, a preliminary review of security arrangements surrounding those events was conducted at FBI Headquarters. This review resulted in the identification of nine lessons learned. A far more detailed review of Olympic security arrangements has been going forward in our Los Angeles field office and a report on findings should be available in the near future.

QUESTION:

Could you provide a copy of that review to the Subcommittee?

ANSWER:

Yes, a copy of the "Federal Bureau of Investigation Afteraction Report for Games of the XXIIIIRD Olympiad - Los Angeles 1984" is attached.

DOCUMENT IS CLASSIFIED SECRETQUESTION:

Did you feel as though you had adequate cooperation and adequate information from the rest of the intelligence community, especially those agencies operating overseas?

ANSWER:

Yes. We had extremely good cooperation from all elements of the Intelligence Community. Through the mechanism of a subcommittee of the Interagency Intelligence Committee on Terrorism chaired by the FBI, there was a free flow of information from the Central Intelligence Agency, National Security Agency, Defense Intelligence Agency, U.S. Secret Service, Air Force Office of Special Investigations, Army Intelligence Naval Investigative Service, Department of State, U.S. Customs Service, and the U.S. Immigration and Naturalization Service. The Anti-terrorist Operations Center designed by this subcommittee to receive and evaluate all threat information functioned in a way which ensured maximization of interagency cooperation.

QUESTION:

Did the increased capacity to receive, share, and process intelligence information from other agencies extend beyond the period of the Olympic games -- did the Olympic experience have some ongoing beneficial effect on the intelligence community?

ANSWER:

In the FBI's view, the Olympic experience was very positive. It demonstrated what can be done when agencies which occasionally have competing interests work together toward a common goal. The relationships built between the FBI and other agencies - at the federal, state, and local levels - have resulted in noticeably improved cooperation in the post-Olympic period.

QUESTION: When Jack Lawn testified before the Subcommittee, we went rather thoroughly into the question of the effect of the murder of Enrique Camarena on DEA operations in Mexico and the rest of Latin America. I would like to ask you a couple of questions with regard to FBI operations. First, has the killing of Agent Camarena had an effect on FBI operations in Mexico or other parts of Latin America?

ANSWER: FBI personnel assigned as Legal Attaches in Mexico have taken extra safety precautions to reduce vulnerabilities and protect against various kinds of threat. These additional measures are both prudent and necessary in the aftermath of the killing of Agent Camarena. Specific measures cannot be divulged as they remain classified.

QUESTION:

Second, have you taken any increased security precautions to protect the safety of your men and women who are posted overseas?

ANSWER:

Regarding FBI personnel assigned to various foreign posts as Legal Attaches, they receive the same defensive security briefings as the entire Embassy staff. The specific measures that are taken cannot be divulged as they remain classified.

JOSEPH HAASE QUESTIONS

Judge Webster, recently it has come to my attention that United States citizens have had their belongings searched and confiscated by Customs officials visiting Nicaragua. In some cases, the FBI has been called in to examine the documents and has confiscated them.

One case in particular comes to mind that I am sure you are quite familiar with. It concerns Joseph Haase, a freelance journalist from Kansas City, whose belongings were confiscated by the FBI on January 16 of this year. The FBI made photocopies of his address book, manuscripts, and personal diary before the originals were returned, and Mr. Haase was told that his materials could be disseminated to other agencies.

In February, a Federal district court issued a restraining order to prevent the FBI from disseminating Mr. Haase's material, and required the FBI to retrieve any that had already been circulated. Mr. Haase has requested the right of discovery to satisfy himself that all materials have, in fact, been retrieved. The FBI has denied this.

1. Judge Webster, on what basis did the FBI seize Mr. Haase's materials in the first instance?

As you know, the FBI's contact with Mr. Edward Haase was the subject of a civil action filed in the U.S. District Court in the District of Columbia. On May 14, 1985 Judge Thomas P. Jackson,

U.S. District Court, District of Columbia, entered an order granting the defendants' Motion to Dismiss the case. However, the plaintiff's attorneys have orally indicated that they intend to appeal Judge Jackson's order. In view of that stated intention, it would be inappropriate for me to comment on any of the matters at issue in the case until the appellate process is completed. Once the case is finally resolved I will be happy to provide you with specific responses to questions concerning this matter. In the interim, I can provide you with copies of the documents which have been filed with the court in ~~this case~~ which may answer some of your questions.

2. Was Mr. Haase charged with any crime associated with having the materials?

Mr. Haase has not been charged with any crime.

3. Under Title 19, Section 1305 of the U.S. Code, materials can be seized that "advocate or urge treason or insurrection against the United States, or forcible resistance to any law of the United States, or contain any threat to take the life of or inflict bodily harm upon any person in the United States". Did Mr. Haase's materials meet this standard?

It would be inappropriate for me to respond to this question at this time because of the pending litigation.

4. Why is the FBI now agreeing to return the photocopies if Mr. Haase drops litigation?

It would be inappropriate for me to respond to this question at this time because of the pending litigation.

5. Why is the FBI denying Mr. Haase's discovery petition?

It would be inappropriate for me to respond to this question at this time because of the pending litigation.

6. Had the FBI, in fact, distributed copies of Mr. Haase's materials, and if so, have they all been retrieved?

It would be inappropriate for me to respond to this question at this time because of the pending litigation.

7. Does the FBI have a policy or guideline on material from other countries brought into this country by American citizens?

It is the responsibility of the United States Customs Service pursuant to Federal law to determine whether material in the possession of any person entering the United States may be admitted to the country. The FBI assists such Customs Service determinations in those cases where matters within our investigative jurisdiction are involved.

8. Is there a special "Rule" applying to Nicaragua?

The FBI does not automatically investigate citizens who merely travel to Nicaragua or are members of groups who oppose U.S. policy in Latin America or any other country.

9. Do you intend to clarify procedures for

your agents and field officers so that American citizens will not be unnecessarily harassed?

In the course of meeting our investigative responsibilities the FBI scrupulously protects the Constitutional rights of all our citizens. I can assure you that we will continue to meet our growing responsibilities with concern for the rights of our citizens.

RESPONSES OF HON. WILLIAM H. WEBSTER
TO QUESTIONS SUBMITTED BY SENATOR PHIL GRAMM

September 1985

Question 1:

Chris Harvey disappeared July 11, 1984, and the FBI entered the case six days later. Why did the FBI not enter into the matter sooner, especially considering the limited resources and manpower of the local law enforcement agency working on the case, and the vast size of the area from which Chris was reported missing?

Answer:

On July 11, 1984, Christopher James Harvey, age 15, disappeared from the William Creek recreation area, which is located in the wilderness of the San Juan Mountain Range, Hinsdale County, Colorado. The initial report of Christopher's disappearance was mistakenly made to the Archuleta County Sheriff's Office (ACSO) on July 11, 1984. Although Christopher's disappearance was reported to the ACSO, this report was not forwarded to the FBI. The FBI first learned of Christopher's disappearance from his father on July 18, 1984, and immediately initiated a preliminary inquiry into the circumstances of Christopher's disappearance pursuant to standard Bureau policy. FBI administrative procedures with regard to missing children are set forth in another answer to a question concerning the FBI's guidelines for involvement in these matters.

On the day Christopher's disappearance was reported to the FBI, Agents immediately went to the area of Harvey's summer residence and spoke with the family, friends and relatives. Bureau Agents also went to a small local store west of the summer residence and interviewed the personnel who worked there. The employees stated they knew Christopher, but had not seen him on the afternoon of July 11, 1984. They also could not recall any strangers or anything unusual that day.

On July 12, 1984, the ACSO conducted an extensive search of the area surrounding the vacation home using horses, aircraft, and bloodhounds, without success. Another search conducted by the Hinsdale County Sheriff's Office on the weekend of July 21-22, 1984, also was unproductive.

The above investigations by three law enforcement agencies failed to develop any evidence or information indicating that Christopher Harvey was the victim of an abduction.

Question 2:

Since FBI action in a case hinges on the important determination that a child is missing, and not a runaway, why was there no effort made by the FBI to contact friends, family members, and teachers in the Harveys' hometown of Andrews, Texas, to substantiate the possibility that Chris could run away?

Answer:

Bureau policy dictates that every missing person report in which circumstances indicate the person has or possibly has been abducted will be investigated to determine if an investiga-

tion under the Federal Kidnaping Statute is warranted. Immediately upon learning of Christopher's disappearance, Agents from the DRA contacted his parents and other family members, including grandparents, a sister, and aunts and uncles, who were present at the Williams Creek recreation area to determine the circumstances of his absence. They also interviewed other people in the vicinity of the Harveys' vacation residence for any knowledge they might have had concerning his disappearance. None of the investigation conducted by the DRA revealed any evidence of foul play or abduction, nor did it develop any information regarding the presence of any suspicious or unknown individuals or vehicles in the area either before or after Christopher's disappearance.

According to Christopher's parents and other members, Christopher was verbally chastised by his father for being "smart mouthed" on the afternoon of Wednesday, July 11, 1984, the day of his disappearance.

Investigation was conducted at the site of Christopher's disappearance and a local county store west of his parents' summer residence. Personnel at the store were interviewed by Special Agents from the DRA, and they revealed that they knew Christopher but did not recall seeing him in or around the store on the afternoon of his absence.

Because the investigation in Colorado failed to reveal any indication that Christopher was abducted, no further investigation was deemed appropriate.

QUESTION 3: Sheriff Burton Smith of Hinsdale County, Colorado, wrote a letter to James F. Higgins at the Denver FBI Office requesting their help in the matter of Christopher Harvey. He received a letter from Mr. Higgins stating that the FBI "is willing to provide you with every possible assistance that it can in your investigation," including but not limited to out-of-state record checks and laboratory examinations in the FBI Laboratory in Washington, D.C. Since December 1984, the Hinsdale County Sheriff's Department has notified the FBI on four out-of-state leads.

ANSWER: As noted in a subsequent answer, the Denver Office is now handling this matter as a Domestic Police Cooperation case. As such, the Bureau does not have the authority to conduct interviews, but does provide records that are requested or locate a person whose interview is required by a local law enforcement agency.

Sheriff Smith contacted the Durango Resident Agency (DRA) to advise that a Charles Staley from Dallas, Texas, may have information concerning a sighting of Christopher. Sheriff Smith further advised our Agents that he had personally spoken to Staley and the matter had been resolved after Staley realized that the boy he thought was Christopher was in fact another person.

Bob Erwig, publisher of Penny Saver newspaper, Freeport, New York, was contacted by FBI Agents to determine if he had any records relating to the possible sighting of Christopher. Erwig advised that an anonymous caller had contacted him twice concerning Christopher and on the second occasion the caller advised that he had not really seen him.

Robert Gonzales, Sr. reported a sighting of Christopher to the Missing Children Help Center (MCHC), Miami, Florida. FBI Agents contacted the MCHC and determined the whereabouts of Gonzales. That information has been provided to Sheriff Smith.

Information concerning the sighting of Christopher in Wilcox, Arizona, by a truck driver, was provided to the DRA by Sheriff Smith. This information was provided to the Wilcox

Police Department by the Sheriff for them to resolve. According to Sheriff Smith, the police officials in Arizona have been unable to substantiate the sighting.

QUESTION 4: A concern of the local law enforcement agencies actively working on the Chris Harvey case is that they have no feedback from the FBI regarding the information they pass on to them. Does the FBI have the responsibility of apprising the local law enforcement agencies involved in the case of the action taken on those leads?

ANSWER: The Denver Division has opened a Domestic Police Cooperation case to assist Sheriff Smith, HCSO, to resolve two possible sightings of Christopher Harvey. Domestic Police Cooperation cases are opened as a service and as a courtesy to local law enforcement agencies to assist them in acquiring, locating, or passing on various records to other local agencies, to effect cooperation between local law enforcement, or to verify the location of a person whose interview is desired for a local or state law enforcement agency. Information developed in such cases, therefore, is routinely conveyed to local law enforcement agencies, and the information responsive to Sheriff Smith's requests will be conveyed to him as soon as it is received.

QUESTION 5: Does the FBI have any guide or statement prepared which clearly sets forth FBI administrative policies regarding procedure and involvement in cases of missing children so that parents and concerned parties may know exactly what FBI assistance and involvement will be available to them?

ANSWER: The FBI's policy regarding kidnaped and missing children is set forth in a communication from FBI Headquarters, dated 2/10/83, to all FBI field offices, and is attached for your information. This policy statement includes a provision which addresses the proper relationship with the families of victims (See III, Pages 4 & 5).

In an effort to assist parents, children and business officials, the FBI has prepared the attached letters which provide suggestions to be followed to prevent a kidnaping from occurring, and the steps to be taken if an abduction does take place.

2/10/83

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UNCLAS E F T O SECTION 1 OF 2

KIDNAPING MATTERS; PERSONAL CRIMES PROGRAM.

AT THE REQUEST OF CONGRESS, ASSISTANT DIRECTOR OLIVER B. REVELL, CRIMINAL INVESTIGATIVE DIVISION (CID), TESTIFIED BEFORE THE SUBCOMMITTEE ON JUVENILE JUSTICE, COMMITTEE ON THE JUDICIARY, UNITED STATES SENATE, ON FEBRUARY 2, 1983. MEMBERS OF CONGRESS AND THE PARENTS OF MISSING, MURDERED AND KIDNAPED CHILDREN ALSO TESTIFIED BEFORE THE SUBCOMMITTEE.

THE RECORD DEVELOPED BY THE SUBCOMMITTEE UNEQUIVOCALLY REVEALS THAT FBI PERSONNEL HAVE FAILED TO ACCURATELY AND ADEQUATELY ARTICULATE FBI NATIONAL POLICY IN KIDNAPING MATTERS AS SET FORTH IN THE MANUAL OF INVESTIGATIVE OPERATIONS AND GUIDELINES (MIOG), PART I, SECTION 7, KIDNAPING, PARTICULARLY SECTIONS 7-1 THROUGH AND INCLUDING 7-2.2.

IN LIGHT OF INFORMATION PRESENTED TO THE SUBCOMMITTEE AND DEVELOPED THROUGH CID ANALYSES, THE FOLLOWING AREAS OF CONCERN ARE PARAMOUNT.

I. KIDNAPINGS INVOLVING MINOR CHILDREN, MIOG, 7-2.2.

CID, BASED UPON A REVIEW OF 200 MAIN KIDNAPING FILES AND 53 7-D MATTERS RECEIVED AT FBIHQ DURING 1982, ASCERTAINED THAT MINORS WERE THE PRIMARY VICTIMS IN 101 OF THE 253 MATTERS REVIEWED.

IN VIEW OF THIS AND OTHER DATA DEVELOPED BY THE SUBCOMMITTEE, YOU ARE INSTRUCTED TO PERSONALLY INSURE THAT THE FBI'S NATIONAL POLICY IS THOROUGHLY UNDERSTOOD, FOLLOWED AND ACCURATELY ARTICULATED BY REPRESENTATIVES OF YOUR DIVISION. IN ACCORD WITH EXISTING INSTRUCTIONS, THE FOLLOWING IS SET FORTH:

A. WHEN REPORTS ARE BROUGHT TO YOUR ATTENTION, WITHOUT REGARD FOR THE MEANS OF REFERRAL, OF MINORS ABDUCTED OR MISSING

UNDER CIRCUMSTANCES INDICATING A POSSIBLE ABDUCTION, UNACCOMPANIED BY A RANSOM DEMAND OR EVIDENCE OF INTERSTATE TRANSPORTATION OR TRAVEL, INSURE THE FOLLOWING:

1. ADVISE FBIHQ IMMEDIATELY.
2. FURNISH A TELETYPE SETTING FORTH SPECIFIC DETAILS BEARING UPON ABDUCTION OR CIRCUMSTANCES INDICATING A POSSIBLE ABDUCTION, ANY RANSOM DEMAND, INTERSTATE TRANSPORTATION AND YOUR ACTION. HERE STATEMENTS THAT "LOCAL AUTHORITIES ADVISE NO EVIDENCE OF ABDUCTION EXISTS" ARE NOT ACCEPTABLE.
3. DETERMINE WHETHER IT IS NECESSARY TO INSTITUTE A PRELIMINARY INQUIRY IMMEDIATELY IN ORDER TO ASCERTAIN THE NEED FOR A FULL INVESTIGATION.
4. RESOLVE QUESTIONS PERTAINING TO THE ABDUCTION, SEIZURE, CONFINEMENT, INVEIGLEMENT, DECOY, KIDNAP OR CARRYING AWAY BY ANY MEANS WHATSOEVER, THROUGH THE CONDUCT OF A PRELIMINARY INQUIRY IN ACCORD WITH EXISTING ATTORNEY GENERAL GUIDELINES.
5. NOTE THAT NO RANSOM DEMAND IS REQUIRED.
6. NOTE THAT INTERSTATE TRAVEL CAN BE PRESUMED AFTER 24 HOURS FROM THE TIME THE MINOR WAS ABDUCTED OR MISSING UNDER CIRCUMSTANCES INDICATING A POSSIBLE ABDUCTION.
- B. COMPLETE DOCUMENTATION IS REQUIRED AS TO THE FACTS AND CIRCUMSTANCES WHICH CAUSE YOU TO CONDUCT OR NOT CONDUCT A FULL INVESTIGATION. INCLUDE ANY UNITED STATES ATTORNEY'S OPINION AND THE SPECIFIC LIAISON EFFECTED WITH LOCAL AUTHORITIES TOGETHER WITH ANY REQUESTS THAT LOCAL AUTHORITIES, CITIZENS OR FAMILY MEMBERS MAY MAKE AND YOUR ACTION THEREAFTER.

II. LIAISON WITH STATE OR LOCAL AUTHORITIES.

EXPEDITIOUSLY CAUSE ALL STATE AND LOCAL LAW ENFORCEMENT AGENCIES IN YOUR TERRITORY TO BE CONTACTED AND SPECIFICALLY AND ACCURATELY ADVISED OF THE FBI'S EXISTING NATIONAL POLICY WITH REGARD TO THE KIDNAPING OF MINORS. INSURE THAT THESE CONTACTS ARE DOCUMENTED AND AVAILABLE FOR RETRIEVAL. YOUR CONTACTS SHOULD BE CONDUCTED IN SUCH A MANNER AS TO INSURE FUTURE NOTIFICATIONS OR REFERRALS ARE MADE TO THE FBI OF MATTERS POSSIBLY COMING WITHIN OUR INVESTIGATIVE JURISDICTION.

III. FBI INTERACTION WITH PARENTS, GUARDIANS AND FAMILY MEMBERS OF MINOR KIDNAP VICTIMS.

THE FBI MUST CONTINUE TO DEMONSTRATE THE UTMOST CONCERN FOR AND EMPATHY WITH THE EMOTIONAL TRAUMA WHICH A VICTIM'S PARENTS, GUARDIANS OR FAMILY MEMBERS UNDERGO. ADDRESS ALL SITUATIONS IN AN ENTIRELY PROFESSIONAL MANNER CONSISTENT WITH OUR ROLE AS SERVANTS OF THE PUBLIC. INSURE THAT SUCH PERSONS, UNLESS DETERMINABLE AND ARTICULABLE FACTS PRECLUDE DOING SO, ARE KEPT ADVISED OF THOSE INVESTIGATIVE DEVELOPMENTS WHICH YOU DETERMINE CAN BE DISSEMINATED WITHOUT JEOPARDIZING THE INTEGRITY OF YOUR INVESTIGATION. WHILE YOU REMAIN BOUND TO THE PROHIBITION AGAINST DIVULGING PENDING CASE MATTERS TO THE PUBLIC, YOUR ATTENTION IS DRAWN TO THE SPECIAL CONCERN OF AN IDENTIFIED PARENT, GUARDIAN OR FAMILY MEMBER AND THE DUE REGARD FOR SAME WHICH THE FBI SHOULD EXHIBIT.

IV. USE OF THE POLYGRAPH IN INVESTIGATIONS OF KIDNAPED MINORS.

IN ACCORD WITH EXISTING INSTRUCTIONS CONTAINED IN MIOG, PART II, SECTION 13-22.2 THROUGH AND INCLUDING 13-22.4, THE FOLLOWING APPLIES:

1. THE POLYGRAPH IS TO BE USED SELECTIVELY AS AN INVESTIGATIVE AID.
2. RESULTS ARE TO BE CONSIDERED WITHIN THE CONTEXT OF A COMPLETE INVESTIGATION.
3. RESULTS ARE NOT TO BE RELIED UPON TO THE EXCLUSION OF OTHER EVIDENCE OR KNOWLEDGE OBTAINED DURING THE COURSE OF A COMPLETE INVESTIGATION.
4. USE OF THE POLYGRAPH AS A SUBSTITUTE FOR LOGICAL INVESTIGATION BY CONVENTIONAL MEANS IS STRICTLY PROHIBITED.

YOU OR THE PERSON ACTING FOR YOU WILL BE HELD ACCOUNTABLE FOR THE APPROPRIATE USE OF THE POLYGRAPH. THIS TECHNIQUE IS NOT TO BE ROUTINELY APPLIED TO THE PARENTS, GUARDIANS OR FAMILY MEMBERS OF A MINOR VICTIM. IF USE OF THE POLYGRAPH IS QUESTIONABLE, THIS SHOULD BE REFERRED TO FBIHQ BY COMMUNICATION, ATTENTION: PERSONAL CRIMES UNIT, WITH A COPY DESIGNATED FOR THE LABORATORY DIVISION, ATTENTION: POLYGRAPH SUBUNIT.

V. NCIC MISSING PERSON FILE.

INSURE THAT ALL INVESTIGATIVE AND APPROPRIATE SUPPORT PERSONNEL, WHO DEAL WITH THE PUBLIC, ARE THOROUGHLY CONVERSANT

WITH THE RECENT MODIFICATIONS REGARDING THE ENTRY OF MISSING, UNEMANCIPATED CHILDREN RECORDS INTO NCIC. THE MISSING CHILDREN ACT, SIGNED INTO LAW BY THE PRESIDENT, REQUIRES FBI FIELD OFFICES TO CONFIRM THE EXISTENCE OF A MISSING PERSON RECORD IN NCIC WHEN REQUESTED BY A PARENT, LEGAL GUARDIAN OR NEXT OF KIN. ADDITIONALLY, WHERE LOCAL POLICE REFUSE TO COOPERATE WITH A PARENT OR GUARDIAN, THE FBI IS REQUIRED TO ENTER THE INFORMATION.

2/10/83

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UNCLAS E F T O SECTION 2 OF 2

KIDNAPING MATTERS; PERSONAL CRIMES PROGRAM.

NOTE THAT THE NCIC OPERATING MANUAL, PART 8, MISSING PERSON FILE, SECTION I, SETS FORTH INFORMATION REGARDING THE CATEGORY OF "A PERSON OF ANY AGE WHO IS MISSING UNDER CIRCUMSTANCES INDICATING THAT THE DISAPPEARANCE WAS NOT VOLUNTARY, I.E., ABDUCTION OR KIDNAPING." WITH REGARD TO THIS CATEGORY AND MINORS ENTERED INTO THIS CATEGORY BY STATE AND LOCAL AUTHORITIES IN YOUR TERRITORIES, INSURE THAT YOUR LIAISON CONTACTS DEVELOP PROCEDURES FACILITATING STATE AND LOCAL NOTIFICATIONS OF SUCH ENTRIES TO YOUR OFFICE.

VI. PRIORITY OF INVESTIGATIONS INVOLVING THE KIDNAPING OF MINOR CHILDREN.

INSURE THAT INVESTIGATIONS INITIATED UNDER THE FEDERAL KIDNAP STATUTE INVOLVING KIDNAPED MINOR CHILDREN ARE ASSIGNED THE APPROPRIATE PRIORITY. NECESSARY RESOURCES ARE TO BE COMMITTED TO GAIN THE SAFE RETURN OF THE VICTIM(S) AND, CONCOMITANTLY, TO IDENTIFY, APPREHEND AND PROSECUTE THE SUBJECT(S).

VII. ACTION UPON RECEIPT OF THIS TELLTYPE.

IN ADDITION TO ANY OTHER ACTION UNDERTAKEN IN ACCORD WITH ALL THE ABOVE, DOCUMENT THAT ALL SPECIAL AGENTS AND SUPPORT EMPLOYEES, WHO ARE IN CONTACT WITH THE PUBLIC, HAVE READ AND UNDERSTAND THE CONTENTS OF THIS COMMUNICATION. YOUR DOCUMENTATION OF SAME SHOULD INCLUDE, AT THE LEAST, THE INITIALS OF ALL EMPLOYEES YOU IDENTIFY. THIS DOCUMENTATION SHOULD BE RETAINED FOR RETRIEVAL AS MAY BE NECESSARY.

YOU WILL BE PROVIDED A COPY OF ASSISTANT DIRECTOR REVELL'S OPENING STATEMENT TO THE SUBCOMMITTEE, WHICH SHOULD BE SIMILARLY DISSEMINATED.



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

KIDNAPINGS FOR RANSOM

SUGGESTIONS IF THERE IS AN ACTUAL KIDNAPING

Whenever a kidnaping occurs, it is essential that the victim's family immediately initiate action to effect the safe delivery of the victim. This can best be accomplished when the family of the victim carries out the following suggestions.

1. Telephone the Federal Bureau of Investigation. The telephone number of the nearest FBI office is listed in the front of each telephone directory; the emergency telephone number at FBI Headquarters in Washington is Area Code 202 324-3000. The complainant should be prepared to furnish in an orderly fashion all facts relating to the disappearance of the victim.
2. Maintain absolute secrecy and do not permit any of the facts regarding the kidnaping or demands for ransom to be known to anyone outside the immediate family except the investigating officers.
3. Do not handle letters or communications demanding the payment of ransom. Turn these over to the trained investigators as soon as possible.
4. Neither touch nor disturb anything at the scene of the crime. Minute particles of evidence which are invisible to the naked eye may be destroyed.
5. Be calm and strive to maintain a normal routine around the home and office if possible.
6. Place full confidence in the law enforcement officers who are investigating the kidnaping. In addition to obtaining photographs and a complete description of the victim, it is essential that law enforcement officers have all facts relating to the personal habits, characteristics and peculiarities of the victim.

When kidnapings occur, the first concern of the FBI and other law enforcement agencies is always the safe return of the victim.



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

KIDNAPINGS FOR RANSOM

SUGGESTIONS FOR PARENTS

The following suggestions are tentative and incomplete as must be any list of precautions dealing with such a complex and unsettled crime as kidnaping. However, their observance may do much to reduce the chance of kidnaping.

1. Make certain that outside doors, windows, and screens are securely locked before retiring at night.
2. Keep the door to the children's room open so that any unusual noises may be heard.
3. Be certain that the child's room is not readily accessible from the outside.
4. Never leave young children at home alone or unattended, and be certain that they are left in the care of a responsible, trustworthy person.
5. Instruct the children to keep the doors and windows locked and never to let in strangers.
6. Teach the children as early as possible how to call the police if strangers or prowlers hang around the house or attempt to get in.
7. Keep the house well lighted if it is necessary to leave the children at home.
8. Avoid obvious indications that you are not at home. Opened garage doors and newspapers left outside the house are obvious indications that you are away from home and that your children may be inside unprotected.
9. Instruct servants not to let strangers in the house.
10. Do not advertise family finances or routines. Kidnapers frequently have their victims under surveillance for several days prior to the abduction, so that they may acquaint themselves with the family's habits.



U.S. Department of Justice

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Washington D.C. 20535

KIDNAPINGS FOR RANSOM

SUGGESTIONS FOR BUSINESS OFFICIALS

The following suggestions are tentative and incomplete as must be any list of precautions dealing with such a complex and unsettled crime as kidnaping. However, their observance may do much to reduce the chance of kidnaping.

1. Instruct your family and business associates not to provide information concerning you or your family to strangers.
2. Avoid giving unnecessary personal details in response to inquiries from information collectors that would be used in such publications as business directories, social registers, or community directories.
3. Review your organization's security plans to determine their effectiveness. Make certain all employees are aware of these plans.
4. Establish simple, effective signal systems which, when activated, will alert your business associates or family members that you are in danger.
5. Be alert to strangers who are on business property for no apparent reason.
6. Vary your daily routines to avoid habitual patterns which kidnapers look for. Fluctuate your travel, as to times and routes, to and from the office.
7. Refuse to meet with strangers at secluded or unknown locations.
8. Always advise a business associate or family member of your destination when leaving the office or home and what time you intend to return.
9. Lock all doors and roll up windows of your automobile while traveling to and from work.



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

KIDNAPINGS FOR RANSOM
SUGGESTIONS FOR CHILDREN

The following suggestions are tentative and incomplete as must be any list of precautions dealing with such a complex and unsettled crime as kidnaping. However, their observance may do much to reduce the chance of kidnaping.

1. Travel in groups or pairs.
2. Walk along heavily traveled streets and avoid isolated areas where possible.
3. Refuse automobile rides from strangers and refuse to accompany strangers anywhere on foot.
4. Use city-approved play areas where recreational activities are supervised by responsible adults and where police protection is readily available.
5. Immediately report anyone who molests or annoys you to the nearest person of authority.
6. Never leave home without telling parents where you will be and who will accompany you.

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